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ABSTRACT

THIS REPORT DEALS WITH THE AID TO LOCAL SCHOOL SYSTEMS WITH HIGH CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES, BUT EXCLUDES TREATMENT OF TWO OTHER CATEGORIES OF FINANCIAL ASSISTANCE UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE I--AID TO CHILDREN OF MIGRANT WORKERS AND AMERICAN INDIAN CHILDREN ATTENDING SCHOOLS OPERATED BY THE BUREAU OF INDIAN AFFAIRS. THE STUDY HAS BEEN UNDERTAKEN BECAUSE OF THE FAILURE, REPORTEDLY, OF ACCEPTED EXPERTS TO INFORM THE PUBLIC CORRECTLY THE MANNER IN WHICH TITLE I IS OPERATING IN MANY SECTIONS OF THE COUNTRY. DATA UTILIZED INCLUDE INFORMATION FROM INTERVIEWS WITH FEDERAL, STATE, AND LOCAL OFFICIALS, AND WITH PARENTS OF PARTICIPANTS; RECORDS AND FILES OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE (DHEW); AUDITS OF TITLE I PERFORMED BY DHEW AUDIT AGENCY; AND, DATA FROM SELECTED LOCAL SCHOOL SYSTEMS AND STATE EDUCATION DEPARTMENTS. CHAPTERS COVER THE WAY IN WHICH TITLE I WORKS; TITLE I AS GENERAL AID; TITLE I IN PLACE OF STATE AND LOCAL FUNDS; CONSTRUCTION AND EQUIPMENT; FAILURE TO MEET THE NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN; LACK OF COMMUNITY INVOLVEMENT AND DENIAL OF INFORMATION; AND, FEDERAL AND STATE ADMINISTRATION OF TITLE I. MAJOR FINDINGS ARE THAT OFTEN TITLE I HAS NOT REACHED THE ELIGIBLE, AND HAS BEEN LITTLE USED TO MEET THEIR NEEDS. RECOMMENDATIONS FOR REFORM ARE DETAILED. (RJ)

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Title I of ESEA

IS IT HELPING POOR CHILDREN?

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Revised second edition

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INTRODUCTION

In 1965 Congress passed the Elementary and Secondary Education Act (ESEA), the most far-reaching and significant education legislation in the history of this country. For the first time, the national government recognized the necessity of providing Federal aid to elementary and secondary schools. For the first time, the special needs of poor children were recognized and effective ameliorative action promised through special assistance to school systems with high concentrations of low-income children.[1]

Our hopes that the Nation would finally begin to rectify the injustices and inequities which poor children suffer from being deprived of an equal educational opportunity have been sorely disappointed. Millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by State and local school authorities. The kinds of programs carried out with Federal funds appropriated to raise the educational levels of these children are such that many parents of poor children feel that Title I is only another promise unfulfilled, another law which is being violated daily in the most flagrant manner without fear of reprisal.

We have found that in school systems across the country Title I

- has not reached eligible children in many instances;
- has not been concentrated on those most in need so that there is reasonable promise of success;
- has purchased hardware at the expense of instructional programs;

- has not been used to meet the most serious educational needs of school children; and
- has not been used in a manner that involves parents and communities in carrying out Title I projects.

This study examines what has happened to Title I in the four school years since ESEA was passed. This is not an evaluation of compensatory programs, but a report on how Title I money has been spent and how Title I has been administered at the local, State, and Federal levels.

Since passage of ESEA, Congress has appropriated $4.3 billion for the benefit of educationally deprived poor children—black, brown, white, and Indian children. Because most of these children attend inadequately financed and staffed schools, the windfall of Federal appropriations no doubt brings many improvements to these schools that these children never had. To hear the educational profession and school administrators talk (or write), Title I is the best thing that ever happened to American school systems. Educational opportunities, services, and facilities for poor children are provided. Some poor children are now well fed and taught by more teachers in new buildings with all the latest equipment, materials, and supplies. Early evaluations of academic gain have not been so optimistic. Some school systems report that despite the massive infusion of Federal dollars, poor children are not making academic gains beyond what is normally expected. Some report moderate academic gain in programs, and some report real academic improvement.

Despite these reports, the almost universal assumption about Title I is that it is providing great benefits to educationally disadvantaged children from low-income families.

We find this optimistic assumption largely unwarranted. Instead we find that:

1. The intended beneficiaries of Title I—poor children—are being denied the benefits of the Act because of improper and illegal use of Title I funds.
2. Many Title I programs are poorly planned and executed so that the needs of educationally deprived children are not met. In some instances there are no Title I programs to meet the needs of these children.

3. State departments of education, which have major responsibility for operating the program and approving Title I project applications, have not lived up to their legal responsibility to administer the program in conformity with the law and the intent of Congress.
4. The United States Office of Education, which has overall responsibility for administering the Act, is reluctant and timid in its administration of Title I and abdicates to the States its responsibility for enforcing the law.
5. Poor people and representatives of community organizations are excluded from the planning and design of Title I programs. In many poor communities, the parents of Title I-eligible children know nothing about Title I. In some communities, school officials refuse to provide information about the Title I program to local residents.

These practices should be corrected immediately. We recommend that:

1. The Department of Health, Education and Welfare (HEW) and the Department of Justice take immediate action against school systems where HEW audits have identified illegal uses of Title I funds and, where indicated, restitution of misused funds demanded.

2. HEW enforce the requirement for equalization of State and local resources between Title I and non-Title I in schools in districts throughout the country; in Mississippi such equalization be required by the 1970-71 school year as recommended by the Commissioner.

3. HEW immediately institute an effective monitoring and evaluation system to insure proper use of Title I funds; the Title I office be given additional staff and status within the Office of Education; and a capable director be appointed forthwith and made directly responsible to the Commissioner of Education.

4. An appropriate Committee of Congress immediately conduct an oversight hearing and examine on a systematic basis the manner in which Federal, State and local school officials are using Title I funds.

5. The provision requiring community participation under Title I be maintained and strengthened.

6. Alternative vehicles for operation of Title I programs be provided where State and local officials are unable or unwilling to operate effective Title I programs. For example, private non-profit organizations are permitted to operate Title I programs for migrant children.

7. HEW enforce the law; States be required to approve only those projects which conform with the Title I Regulations and the Program Criteria.

8. Congress provide full funding under the Act in order to ensure sufficient resources to help poor children.

9. All efforts to make Title I a "bloc grant" be rejected.

10. Further study be undertaken on issues raised in this report including:

a. use of Title I to supplant other Federal funds;
b. equitable distribution of funds to predominantly Mexican-American districts;
c. Title I programs for migratory and Indian children; and
d. relation between Title I and all other food assistance programs.

11. Local school systems make greater effort to involve the community, including disclosure of information regarding Title I programs and expenditures.

12. Private citizens demand information and greater community participation on local advisory committees; denial of information and illegal use of funds be challenged by community groups and, where appropriate, complaints made to local, State and Federal officials; lawsuits be filed and other appropriate community action be undertaken to ensure compliance with the law.

13. States assure that Title I programs actually meet the educational needs of all poor children and recognize the cultural heritage of racial and ethnic groups.

The goal of Title I is simple. It is to help children of poor families get a better education. Accomplishing that goal, however, is not simple. Existing educational structures at the State and local levels are the institutions responsible for the administration of Title I, but often they are the institutions least able to respond to

a new challenge or to respond to the needs of poor minorities. In order to accomplish the goal of Title I, many changes will be needed. But before we can understand the nature of the changes, we need to understand what the law provides and how in fact it is operating in school districts across the country. That is the substance of this report.

Why This Review of Title I

Reviews and evaluations of Federal grant-in-aid programs are usually made by "experts." This review was not prepared by educational "experts," but by organizations interested in the rights of the poor. We make this review because we feel that the accepted experts have failed to inform the public honestly about the faulty, and sometimes fraudulent, way in which Title I of the Elementary and Secondary Education Act of 1965 is operating in many sections of the country.

In December 1968, Federal education funds were terminated in Coahoma County, Mississippi because of the school board's refusal to submit an acceptable desegregation plan under Title VI of the Civil Rights Act of 1964. As a consequence of the termination of Federal funds, teachers, teacher-aides and janitors, all black, were fired. Their salaries had been paid by Title I, and their employment in the black schools was terminated along with the Title I funds. A group of parents and the NAACP Legal Defense and Educational Fund, Inc. brought suit against the Coahoma County School Board charging illegal use of Title I funds as well as the unconstitutional operation of a racially dual school system. The lawsuit represented the first, and, thus far, the only serious challenge to the manner in which a school system utilizes its Title I funds.[2]

In the spring of 1969, a small group of private organizations involved in the struggle for equal educational opportunities for poor and minority children agreed that they needed to pool their resources to examine how Title I funds were being used, and to what extent the educational needs of these children were being met as Congress intended. We knew that the situation in Coahoma County was not an isolated situation. Our decision to look at Title I was based not only on the incident in Coahoma County, but also on a number of complaints from individuals and organizations across the country about the operation of Title I in local districts.

We had three basic concerns about Title I. First, poor people knew little or nothing about the provisions of the law. They had even less to say about how these Federal funds were being used in their school districts despite the fact that the Title I Regulations require that they be involved in the planning and execution of Title I programs. Second, we suspected that much of the Title I investment was not being spent in accordance with the law and Regulations, and that much of the money was being used as general aid and in place of State and local education revenues. Third, we felt that an independent review was needed to determine whether the money was really being spent for the educational needs of educationally deprived children.

Some may think that by inquiring into Title I we risk renewing old battles over Federal aid to education. Some may think that criticism of how Title I money is spent or the program administered could jeopardize the entire legislation. Some may take the position that it is better to have Title I funds, even though they may not always be used exactly as Congress intended, than not have them at all. Still others may feel that any use of these funds helps in the process of educating children, even if the expenditures are in violation of the law.

We disagree. We believe that poor and minority children should, indeed must, have the rights and benefits accorded them by law. We have decided to pursue our efforts because ultimately it is educationally deprived children who will be held accountable for the Federal investment. All the tests and evaluations to determine the effectiveness of Title I will be administered to poor children, not to school administrators or to State and Federal officials. Thus it seemed only right that poor people themselves, and private organizations working on their behalf, should make an attempt to find out what is happening to poor children as a result of the expenditure of billions of dollars.

This report is intended as a defense of Title I. Our criticisms are offered in order to make its operation more effective and to ensure that the Congressional intent is implemented. We believe that Federal aid to education is now firmly embedded in our system and should be encouraged, not weakened. However, we feel obliged to report to poor people, to minority people, to the President, to Congress and to the Nation what we have learned about Title I of

the Elementary and Secondary Education Act of 1965. We hope by bringing to light some of the more flagrant misuses of Title I funds that a concerted and continuing effort will ensue to help poor children get what the Nation promised them when the Act was passed.

How This Review Was Conducted

We collected information and interviewed officials at all levels of Title I's operation. As we wanted to know what the Federal government already knew about Title I's operation, we began there. We interviewed Federal officials and examined records and files at the Department of Health, Education and Welfare. This report relies heavily on information taken from government documents, especially the audits of Title I performed by the HEW Audit Agency.

In addition to reviewing the program at the Federal level, we gathered information about Title I in selected local school systems and State departments of education to find out what programs were operating and what the attitude of school officials was toward Title I and toward poor children. We also interviewed parents in order to determine how much they knew about Title I and how they had been involved in Title I programs in local school districts. These interviews were conducted by staff members of private organizations and, in many cases, by local residents, members of poor communities. Together we interviewed Title I officials in nine States, 28 Title I coordinators of local districts, 39 principals or teachers in Title I schools and 191 parents.

The State and local systems from which we gathered information were chosen on the basis of several criteria. An attempt was made to get a rough cross-section of State and local systems which would represent different regions, various sizes of enrollment and mixtures of racial and ethnic groups. We gathered information from rural school districts, from small and medium-sized urban systems, and from large metropolitan systems.

What This Report Covers

This report deals with the major part of the Title I legislation—aid to local school systems with high concentrations of children

from low-income families. In fiscal year 1969, $1.02 billion went to these school districts out of a total Title I Congressional appropriation of $1.1 billion. This report does not treat two other categories of financial assistance under Title I, aid to children of migratory farm workers and Indian children attending schools operated by the Bureau of Indian Affairs.[3] Nor does this report cover poor children in institutions for the neglected and delinquent, although they are all identified in the Act as beneficiaries of Title I. This does not mean that we feel that there are no problems connected with their operation. On the contrary, we know that there are problems and hope that these programs will receive early attention. Only because of their low dollar value and because of our limited resources are they excluded here.

This report focuses on how Title I money is spent, how Title I is administered and some of the consequences for poor children resulting therefrom. It does not attempt to evaluate the educational value of specific Title I programs nor the impact of various kinds of compensatory education programs, although when we have discovered Title I sponsored programs which we feel have no educational purpose at all, we say so.

Chapter I explains briefly how Title I works, and specific references to the Title I Regulations, the law, and the Program Criteria will be found in Appendix A. Chapter II deals with the use of Title I as general aid in many school systems. Chapter III examines the illegal use of Title I in the North and South to supplant State and local expenditures and the relation between Title I and other Federal programs. The purchase of massive amounts of equipment and the excessive construction of facilities is the subject of Chapter IV. Chapter V deals with the failure of some Title I-funded projects to meet the educational needs of poor children. Chapter VI deals with the exclusion of the poor community from decisions about use of Title I and the refusal of State and local school officials to provide information about Title I. Chapter VII examines how Title I is administered at the State and Federal levels.

Many organizations and individuals have contributed to this report. Although the Washington Research Project and the NAACP Legal Defense and Educational Fund, Inc. assumed major responsibility for this report, other organizations contributing to the effort included the American Friends Service Committee, The Urban

Coalition, the South Carolina Council on Human Relations, the Illinois Commission on Human Relations, the Delta Ministry of the National Council of Churches and the North Mississippi Rural Legal Services. We appreciate the help we received from the Office of Education and HEW Audit Agency staff. We are especially grateful for the financial support for this report from the Aaron E. Norman Foundation and the Southern Education Foundation. Numerous individuals in communities across the country gave their assistance. Chief among these individuals are the following: Winifred Green, Roger Mills, Michael Trister, Beatrice Young and Electra Price. Ruby Martin of the Washington Research Project and Phyllis McClure of the NAACP Legal Defense and Educational Fund, Inc. had the responsibility for the final preparation of this report.

I

HOW TITLE I WORKS

Title I of the Elementary and Secondary Education Act of 1965 provides financial assistance to school systems which have high concentrations of low income children residing within the districts. This Act is entirely Federally financed and requires no matching grant. Approximately 16,000 out of a total of 26,983 school districts in the Nation receive Title I money. An estimated nine million children participated in some way in a Title I-funded project in the 1968-69 school year.[1]

Payments under Title I go to State departments of education, which in turn make payments to local school districts. Local districts are eligible under the law to receive a certain amount established by formula upon submitting a project application. Local school officials may use the money for a broad range of projects, but the expenditures must be in conformity with the law, the Regulations, and certain Program Criteria established by the U. S. Commissioner of Education. The project application of a local school system must set forth (1) the program or programs to be supported, (2) a budget, (3) the number of eligible children, (4) designated target areas, (5) an identification of the needs of eligible children, and (6) provisions for evaluating the programs or projects. The State department of education is responsible for approving, rejecting, or renegotiating the project applications from local districts. These project applications do not go to Washington. The State is entirely responsible for paying funds, approving project applications, monitoring, auditing, and evaluating the effectiveness of projects.

In effect, Title I operates as a "bloc grant" since the money may be used in any manner the State approves as long as it is spent on disadvantaged children. Although the States determine how Title I money will be spent, each State must provide assurance to the Office of Education that it will approve projects that meet the requirements of the law. For example, States may not permit Title I to be used as general aid to a school district or in place of State or local funds. The purpose of Title I is to provide special educational programs for educationally deprived children most in need of assistance, and according to the Federal Regulations, the program must be of such size and scope as to have reasonable promise of success. Each local district must determine the needs of the eligible children in its schools and what programs it will operate to meet those needs. The Regulations and Program Criteria governing Title I are numerous and complex, but their purpose is to set standards for the wisest use of the money. Excerpts from the Federal Program Criteria are cited in Appendix A.

The Formula

The amount of money which a local district receives is based on a formula which is determined in the following manner: The number of children in the district from families with annual incomes of $2,000 or less (determined by the 1960 Census) is added to the number of children from families receiving AFDC (welfare money), plus the number of children in institutions for the neglected and delinquent. This total number of children is then multiplied by half the State per-pupil expenditure or by half the national per-pupil expenditure, whichever is greater.

The Participants

Although an estimated nine million children participated in some way in a Title I-sponsored project during the 1968-69 school year, it is important to understand that Title I does not reach all poor children who are educationally disadvantaged. The Office of Education estimates that about 18 percent of the students in Title I participating schools are severely educationally disadvantaged, and that only slightly more than 50 percent of those pupils are participating in Title I compensatory programs (reading, arithmetic, and language).[2]

Level of Funding

There has always been a wide gap between the amount authorized by Congress ($2.7 billion), and the amount actually appropriated for Title I. In fiscal year 1969 Congress appropriated $1.123 billion, only 41 percent of the amount authorized. The $1.123 billion represented a cutback of $68 million from the previous year. ESEA is before the Congress this year for an extension of the legislation and appropriation of funds for the 1969-70 school term. The present Administration has asked Congress to appropriate $1.216 billion for Title I.

How the Money is Spent

There is cause for alarm when Congress does not appropriate sufficient funds to meet its own professed commitment to serve the educational needs of children from America's low-income families. These children will never get a chance unless there are significant Federal resources behind the Congressional rhetoric. The declining appropriations and the rising cost of education mean fewer opportunities for poor children who suffer educational handicaps. While we are concerned about this weakening Federal support, and urge full funding under the Act, we are dismayed about the failure of many local school officials to use the available money in the best interests of poor children. We note with interest what the National Advisory Committee on the Education of Disadvantaged Children has said:

> "Some [projects] are imaginative, well thought-out, and demonstrably successful; other projects exemplify a tendency simply to do more of the same, to enlarge equipment inventories or reduce class size by insignificant numbers." [3]

II

TITLE I AS GENERAL AID

Title I money is not to be used as general aid. To do so dilutes services to poor children and denies them crucial benefits under the Act. When Congress enacted ESEA, it intended that Title I would enable local school districts to provide services and programs which they were unable to provide to meet the special educational needs of educationally disadvantaged children. However, many school districts see this massive infusion of Federal funds as an opportunity to improve their schools generally, to buy large amounts of equipment and supplies, and to construct buildings and additions to schools. No doubt much of the money spent in this way has provided needed resources to the total educational program. No doubt many poor children benefit from having services, facilities and teachers that they may never have had before. Despite this, they are still being cheated because they are not receiving the full impact of the legislation.

The determinations as to which children should receive Title I assistance are clearly spelled out in the legislation passed by Congress, in the Federal Regulations, and in a number of Program Criteria.[1] The law specifies that Title I assistance should go to:

- Individual children, not entire school populations;
- Children who have one or more educational handicaps and who come from low-income families, not all children in all poverty-area schools;
- Programs that seek primarily to raise the educational attainment or skills of children, not exclusively to projects or

services dealing with health, welfare, or recreational needs of poor childre...

Our review of HEW audits and our interviews reveal that requirements for identifying the educational needs of children and for concentrating funds have been frequently ignored. Instead of focusing Title I resources on the educational problems of those poor children most in need, Title I is frequently used as general aid. The use of Title I as general aid typically falls into four categories:

1. Title I funds purchase services, equipment, and supplies that are made available to all schools in a district or all children in a school even though many children reached are ineligible for assistance.
2. Title I funds are spread around throughout all poverty-area schools instead of focusing on those target areas with high concentrations of low-income families.
3. Title I funds are not going to eligible children at all.
4. Title I State administration funds support non-Title I operations of State departments of education.

Aid To All Schools

• Curriculum and materials centers, language and science laboratories are common uses of Title I funds as general aid. These centers usually contain books, supplies, visual aids, equipment, and other learning "hardware" that can be checked out by any teacher in the school system. These centers are frequently located in the school system's central office, in a Title I purchased mobile unit, or at a non-Title I school rather than at a "target" school. While Title I children may receive some benefits from these centers, so do all children whose teachers avail themselves of the materials. **SOUTH CAROLINA** boasts of 23 such centers. Eight out of 18 **MISSISSIPPI** districts surveyed by Office of Education staff had instructional materials centers.[2]

• HEW auditors found that three **GEORGIA** school districts were making Title I projects available to all schools in the system. **GWINNETT COUNTY** had a mobile curriculum center, costing

$70,646, serving all schools. A $340,763 reading clinic served all schools in **MUSCOGEE COUNTY.** In **BIBB COUNTY** a $459,068 curriculum materials center served all schools.[3] Our interviewers in Bibb County reported that consultants and educational television funded by Title I are also available to all teachers and all children in the system.[4]

- In **OXFORD, MISSISSIPPI,** a curriculum and materials center is located at a non-Title I school, near a police station, reportedly for fear of burglary. Furthermore, the Title I coordinator in Oxford is principal of a non-Title I, white school.[5]
- In **GREENE COUNTY** and **SUMTER COUNTY, ALABAMA,** and in **NEW ALBANY, QUITMAN COUNTY,** and **PONTOTOC COUNTY, MISSISSIPPI,** Title I coordinators told our interviewers that Title I material and equipment are available to the entire district.[6]
- An HEW audit of **MILWAUKEE, WISCONSIN** disclosed that in fiscal year 1967, $21,605 was spent on salaries for school personnel not involved in Title I projects, such as the swimming coach and teachers assigned to general teaching duties.[7]
- **ATTALA COUNTY, MISSISSIPPI** constructed two lagoons for sewage disposal, costing $16,000, with Title I money and installed an intercom system costing $1,750.[8]
- In **CAIRO, ILLINOIS,** Title I money was used to support general overhead costs. Title I paid for half the rent of a building which housed the administrative offices of the school district. Title I offices were located on the second floor of the building.[9]
- The 1967-68 Title I Project Application of **WAUKEGAN** (District 61), **ILLINOIS** revealed that Title I paid the full-time salary of an assistant principal who performed general administrative duties at his school. Nineteen percent of the school's enrollment was eligible for Title I benefits.[10]
- The **DISTRICT OF COLUMBIA** school system charged the Title I budget during fiscal 1966 through 1968 for salaries of persons who were not performing duties connected with the program. The school system apparently selected each year a certain number of employees to be paid out of the Title I budget. For 1968 they selected 10 and the auditors found that only one of the 10 was working primarily on Title I activities. "The remaining nine employees were devoting only a negligible amount of time to Title I

activities or dividing their time between Title I projects and other general school activities." [11]

- In **BENTON COUNTY, MISSISSIPPI,** interviews with the superintendent, Title I coordinator, and a teacher revealed that Title I is being used to benefit children in the system whether or not they have been identified as educationally disadvantaged. The district has 2,020 students and all children in the district's three schools participate despite the fact that the Title I coordinator said Title I eligibility was determined by income, size of family, and whether or not the child lived on a farm. Seventy-one percent of the county was said to have an income below $3,000 per year. In the 1968-69 school year, Title I funded an Instructional Resources Center, a heating system for one school, and a summer curriculum study for nine teachers and nine college student assistants. In addition, a summer school was funded by Title I at two of the three schools (one all-white school and one predominantly white). The Title I summer school was open to "all students who need a credit to meet minimum requirements for graduation or who want an extra math subject credit." A principal told our interviewer that five regular classroom teachers were hired with Title I money. In the summer of 1968, Title I paid for an arts and crafts program in which any child who was interested could participate.[12]

- A review of **OAKLAND, CALIFORNIA's** $2.75 million Title I program by the State's Office of Compensatory Education disclosed a number of problems. It found that health and psychological services, and guidance and counseling services, were reaching more children than the determined number of participants, thus diluting services to participants. Other parts of the Title I program were not reaching all participants. For example, a reading program designed for 8,000 elementary pupils reached only 4,851 pupils. As a result, the State report found that the Title I program "tended to become . . . one of general aid to the local schools" rather than "a comprehensive compensatory education program for individual children." [13]

Oakland's Title I program rotated Title I participants in and out of Title I activities on a "turnstile basis" so that there were no planned comprehensive services for individual children. In addition, the State found that approximately 28 percent of the total professional staff worked in or out of the central office. A small number

of these staff persons provided direct services to identified participants.[14]

- The **INDIANAPOLIS, INDIANA** public schools purchased five school buses with Title I money, but HEW auditors found that only 25 percent of the time the buses were operating were for Title I field trips. During the remainder of the time, the buses were on regular daily school runs. The HEW audit of Indianapolis also revealed that Title I paid social workers and counselors who were assigned to Title I schools but there was no documentation that they actually worked at those schools.[15]

The installation of educational television and data processing equipment in the central office of local school systems, which serve all schools and all children in the system, is another way in which Title I is used as general aid.

- The **MEMPHIS, TENNESSEE** school system received approval from the State Department of Education for a project to improve pupils' reading ability. The project called for hiring additional staff. At the end of the 1965-66 school year the Memphis superintendent advised the State "that a total of $197,525 of project funds were unexpended because the school system was unable to fully staff the project." He requested and received approval to use the unused funds for an IBM computer-based system for accumulating and reporting development on each pupil within the Title I area.[16] The HEW Audit Agency asserted that the State should not have approved the project:

> "School officials told us that their data processing center operated as a service agency to all departments of the Memphis Board of Education. Thus we believe that since the IBM equipment purchased under the project became an integral part of the existing data processing center and since the center serves all departments within the school system, the project equipment was purchased primarily to improve general school programs rather than specifically for ESEA Title I purposes. Local school officials confirmed our conclusion. They told us that eventually the equipment would serve all schools in the system."[17]

- In **FRESNO COUNTY, CALIFORNIA,** during fiscal years 1966, 1967 and 1968, several school districts transferred approximately $930,000 to the county superintendent to construct, equip and operate a county-wide instructional television system which

benefited not just educationally deprived children but all children in the county. Part of this money was used to remodel a county-owned building for a television studio, to purchase and install equipment and to operate the system.[18]

Aid to Non-Target Schools

In some cases, Title I does not even reach educationally deprived children.

- An HEW audit of **LOUISIANA** school districts covering Title I expenditures in fiscal year 1966, the first year of the program, found that 23 parishes (counties) "loaned" equipment costing $645,624 to schools that were ineligible to participate in Title I programs. The auditors noted that much of the "loaned" equipment was "set in concrete or fastened to the plumbing." Much of the equipment had been at ineligible schools since its acquisition.[19]
- In the **DISTRICT OF COLUMBIA,** $264,714 was spent at 45 schools that had not been designated as target schools. And $224,733 of the $264,714 was spent at 25 elementary schools which had less than the average incidence of eligible children.[20]
- An HEW audit of selected **CALIFORNIA** school systems covering September 1965 through August 1968, found that the **SHASTA UNION HIGH SCHOOL DISTRICT** had spent Title I money in fiscal years 1966 and 1967 in three high schools when only one of these high schools was eligible. "The inclusion of the two ineligible schools in the project," the audit report noted, "resulted in a substantial reduction of available funds for the school that was eligible . . ." [21] The two ineligible schools were subsequently dropped from the project under orders from the State's Office of Compensatory Education.
- The **CALIFORNIA** audit showed that the **SANGER UNIFIED SCHOOL DISTRICT** had spent $14,496 of Title I funds to provide a portable classroom located at an ineligible school.[22]

Failure to Concentrate Funds

Federal law and Program Criteria require that Title I funds be concentrated on a limited number of children most in need of assistance, in a limited number of eligible attendance areas, and

that the Title I program be of sufficient size, scope, and quality to provide reasonable promise of substantial progress. Concentration of funds also means that a child must receive a variety of services. If some children get only eyeglasses, some only dental care, some only remedial reading, some only tutoring and some only field trips, then services are not being concentrated.

Title I Regulations specify that aid must go to those areas of a school district with a high concentration of low-income families and educational deprivation. School officials determine these areas by establishing the average percentage of low-income families in the whole district and then concentrating funds in those areas that are above the district-wide average.[23]

Despite these Federal requirements, many school districts tend to use Title I resources to reach as many children as possible, without regard to concentrating services on those most in need. The consequence is to dilute services to children who qualify as Title I beneficiaries. The use of Title I funds in this way in many districts has simply failed to achieve the purposes of the legislation.

- In **CHICAGO, ILLINOIS,** the school board purchased approximately $3.8 million in audio-visual films and equipment for distribution to every school in the poverty area, rather than to only those schools having a high concentration of children from low-income families.[24]

- An HEW audit of **PENNSYLVANIA** covering fiscal year 1967 disclosed that, in approximately 130 local school districts (out of 486 in the State), the Title I project application included schools that did not appear to be eligible because they did not have the required concentrations of children from low-income families.[25]

- A principal in **OXFORD, MISSISSIPPI,** told our interviewer that all children in his school receive benefits from Title I even though not all are eligible.[26]

The rationale for requiring concentration of funds is clear. The larger the investment per child, the greater the likelihood that there will be a significant impact on the educationally disadvantaged child. The greatest testimonial to the lack of concentration and the dilution of Title I resources is that in the 1967-68 school year the average Title I expenditure per child was $108. In 1966-67 the average expenditure per child was $99, and in 1965-66 it was $96.

The Title I National Advisory Council calls these expenditure levels "hardly enough to make a difference." [27]

An analysis of Title I programs in five school districts, done by General Electric Company (TEMPO) under contract to the Office of Education, reported:

> "There is a general tendency to allocate . . . 20 percent of Title I funds to a very small number of pupils and to allocate the other 80% over such a large number of pupils that in most cases the funds amount to less than $5 per pupil." [28]

Although per-pupil expenditure levels will vary from project to project, the evidence shows that most of the Title I annual investment is spread so thinly to so many children that there is little reason to expect any substantial gain in academic achievement from Title I participants.

The dilution of Title I money exists despite the Office of Education's requirement that the annual expenditure per child for Title I compensatory services "should be expected to equal about one-half the expenditure per child from State and local funds for the . . . regular school program." [29] The Office of Education does not enforce this requirement and most States ignore it. While Title I officials in a few States say that State policy is to encourage concentration, only one State—**CALIFORNIA**—makes concentration of Title I services mandatory. This year the California State Board of Education announced that its supplemental policies for Title I require that at least $300 per child be spent, over and above the regular State and local expenditures, and that priority in designating target schools should be given to elementary schools.[30]

In his testimony before the House Committee on Education and Labor, Dr. Wilson Riles, Director of Compensatory Education in the California State Department of Education, explained that this State policy was adopted because:

> "Our research and evaluation have shown that . . . piecemeal projects which have attempted through a single-shot activity to overcome learning handicaps caused by poverty [have] usually fail[ed] to result in demonstrable achievement gains . . . We have found that projects which concentrate at least $300 per child over and above the regular school program were the most successful." [31]

Misuses of Concentration

The requirement to concentrate services in target schools in a limited number of attendance areas has been misused in some school districts to frustrate school desegregation plans. The use of Title I to upgrade black schools has served to discourage and intimidate black students from transferring to white schools for fear of relinquishing Title I benefits. This misuse of Title I funds was pointed out over two years ago in a report by the U. S. Commission on Civil Rights which stated that:

> "Under free choice . . . improvement of substandard Negro schools itself inhibits desegregation. As a result, the objectives of improving the quality of education and achieving desegregation conflict with instead of complementing, each other." [32]

Despite this warning by a Federal fact-finding agency, the Office of Education continued to allow Southern school boards to use Title I funds to maintain the dual school system.

Federal Criteria provide that Title I services "follow the child" and that they be offered at locations which do not prolong the child's racial, social, or linguistic isolation. These Criteria are largely ignored. Most Title I projects are conducted in isolated settings, and in many districts Title I services do not follow a child to a school outside the target area. Interviewers in **BIBB, TELFAIR** and **WORTH COUNTIES, GEORGIA** and **GREENE COUNTY, ALABAMA** reported that Title I services did not "follow the child." [33] A State review of **OAKLAND, CALIFORNIA's** Title I program revealed that 215 Title I eligible children did not get intensive academic help that was supposed to follow them.[34]

A few school systems which are totally or partially desegregated have complied with the Criteria in their Title I projects and have concentrated services on eligible children no matter where they attend school, but most have not.

State Agencies' Use of Title I as General Aid

State departments of education bear the main responsibility for the proper administration of Title I, but they are frequently not in a position to act against local school systems for using Title I as general aid as they are themselves guilty of using Title I for general

administrative aid. They invariably report that shortage of administrative funds prevents them from hiring sufficient staff to carry out their responsibilities adequately. While this is undoubtedly true, some State agencies have used Title I funds to enhance the State department of education and their general operations rather than to administer Title I.

- **INDIANA**—"The State claimed administrative expenses totaling $45,823 for fiscal years 1966 and 1967, which were not proper charges to ESEA, Title I. In addition, the State Agency has continued to improperly charge the ESEA, Title I, program for administrative expenses during fiscal year 1968 . . . Salaries and related retirement costs, totalling $40,244 (included in the $45,823), have been questioned for those personnel who, by the nature of their positions, could not have expended 100 percent of their efforts for the benefit of ESEA, Title I program." [35]

- **SOUTH CAROLINA**—Salary increases for State personnel were charged even though the personnel did not work full-time on Title I. "Effective January 1, 1966, the State Department of Education granted salary increases of varying amounts to . . . 69 persons who were at that time full-time employees of the State agency. In his letter requesting State Budget and Control Board approval of the increases, the State superintendent of education stated, 'Several of the people are working on the Federal projects now and have been for quite some time.' The salary increases [for all 69 persons] were approved and the entire amount of the increases was charged to Title I funds . . . Title I funds [were] used to pay salaries of full-time State agency personnel donating less than full-time to the program totaled approximately $31,900 for fiscal year 1966 and $54,300 for fiscal 1967." [36]

- **LOUISIANA**—An HEW audit report, dated October 27, 1967, states that the Louisiana State Department of Education used Title I administrative funds to pay for costs "not directly related to the program, obligation of services to be rendered after the end of the project, a duplicate payment and various other unallowable costs. The total costs questioned [by the HEW Audit Agency] for State Administration amounted to $68,296 or 43% of total the costs claimed by the State. . . ." [37]

- **NEW JERSEY**—Salary payments in the amount of $44,114 were charged to Title I funds for employees donating less than

full-time to Title I activities. The State department claimed that the charges were reasonable because other employees of the department donated time to Title I activities and none of their salaries were charged to Title I. The HEW auditors found no records to support this proration of salaries."[38]

- **CALIFORNIA**—Even in California, the HEW auditors reported: "For 1968, the State Department of Education . . . drew $81,856 for Title I funds in excess of recorded expenditures. In addition, for 1966, 1967 and 1968 the [State] improperly claimed Title I funds for the prorated cost of the Executive Section and claimed rental costs in excess of the amount properly allowable to Title I."[39]

- **ILLINOIS**—An HEW audit report issued June, 1969 states: "Administrative expenses of $183,304 claimed by the State agency for the three-year period ended June 30, 1968, were not directly related to administration of the ESEA, Title I program and, therefore, are not reimbursable with Title I funds." The questioned costs consisted of acquiring and operating four mobile guidance vans for another Federally financed program; salaries and related retirement benefits for an assistant superintendent and divisional directors whose positions would have been filled regardless of the Title I program; and office equipment purchased with Title I funds but used in other functional departments of the State agency.[40]

- **ALABAMA**—HEW auditors found that $130,939 in Title I funds were spent in Alabama in fiscal year 1968 to supplement salaries and travel of school superintendents and principals although they were not free to accept employment on Title I projects.[41]

As these examples document, Title I is used as general aid to entire school systems. It is not concentrated on those children most in need. Some State agencies use Title I administrative funds for general salary increases and other forms of general support for State operations. Under these circumstances, it is impossible to hold poor children responsible for dilution of resources intended to benefit them.

III

TITLE I IN PLACE OF STATE AND LOCAL MONEY

When Congress enacted ESEA, it intended that Title I funds would supplement State and local education funds, not replace them. Title I Regulations and Program Criteria are clear in this regard. When school districts do not use Title I money in addition to local and State funds, they are said to be supplanting local and State money.[1]

This means that school districts must not decrease the amount of money they are spending, or would have spent, in Title I eligible schools just because they are receiving Federal money for students in those schools. Title I is not to be used to equalize expenditures in poverty-area schools with other schools in the district.

Congress could hardly sanction the practice of a school district decreasing the amount of money going to a school simply because that school was receiving Federal funds. In order for Title I to have sufficient impact on the educational problems of low-income children, Federal expenditures must be over and above existing expenditures.

In many ways this requirement is wishful thinking. Widespread patterns of unequal expenditure between schools within the same district existed prior to the inception of Title I North and South. Schools enrolling large numbers of poor and non-white children invariably receive less State and local funds and less of the educational resources invested in the education of children from middle and upper-income homes. Title I funds are thus spent for pro-

grams in schools attended largely by children from low-income families and are almost inevitably used to bring these schools up to the level of other schools.

While the Office of Education requires that local school systems show on the Title I applications that they are maintaining the same per-pupil effort district-wide, it does not require comparative expenditure figures for all schools. Per-pupil expenditure may increase or remain the same on a district-wide average but it may vary widely between schools within the district. Although compliance with the requirement for not supplanting State and local funds is vitally important to a successful program, the local school district need only sign an assurance that it will comply. In fact, the Title I application filled out by the local district does not even require information necessary to determine whether funds will be supplementary to local expenditures. There is apparently no effort made at the State level to check whether a district is providing equal programs and expenditures in Title I and non-Title I schools.

There are three basic kinds of supplanting:

1. Equalizing poor schools with other schools in the system.
2. Assuming funding of programs previously supported by State or local funds.
3. Replacing other Federal money.

Equalizing Poor Schools with Other Schools

Southern States have traditionally operated unequal and discriminatory schools for blacks and whites.

In a recent report on how **SOUTH CAROLINA** used Title I funds, the State Department of Education reported that approximately 74 percent of all Title I recipients during the 1966-67 school year were black and that the same was true for the 1967-68 and 1968-69 school years. The South Carolina Director of ESEA candidly admitted to our interviewer that much of the Title I money was spent in black and poor schools to make them comparable to white schools. This assertion is demonstrated by the huge investment, amounting to $2-3 million annually, that the State has made in black schools providing classrooms, libraries, and other physical facilities.[2]

- During the 1968-69 school year, **SUMTER COUNTY #2,**

SOUTH CAROLINA operated a total of 13 schools, seven black and five predominantly white. All five of the predominantly white schools had libraries which were constructed with State and local funds that were well stocked with books. At least six of the seven all-black schools now have libraries also well stocked with books. However, all six of these libraries were built and stocked since 1965 and with Title I funds. Apparently, the library books at the white schools were paid for out of State and local money or perhaps Title II ESEA.[3]

• Another school system, **HAMPTON COUNTY, SOUTH CAROLINA,** in 1954 constructed with State and local funds, two elementary schools, the Fennell Elementary for black and Hampton Elementary for white students; one of the original features of the Hampton School was a library. Using fiscal 1967 Title I money, the school system purchased a mobile library and library books for the Fennell School. Hampton County also built a new school for black students in 1966 with State and local funds, complete with library. However, furniture and books for the library were paid for with Title I funds.[4]

• Under a project entitled "Improvement of Curriculum and Physical Needs of Students," **BAMBURG COUNTY, SOUTH CAROLINA** received State approval to use Title I funds for the construction of six new classrooms as permanent additions to all-black Voorhees Elementary School. School officials stated in justification that, "these classes are needed in order that the teacher load may be decreased." Yet during the 1968-69 school year, Voorhees Elementary School continued to have the highest teacher-pupil ratio (1-30) of any school in the system.[5]

The South Carolina ESEA Director commented that "Congress assumed that there would be an effort to equalize expenditures across schools. That assumption was wrong." He added that the whole matter of supplanting was very unclear. His interpretation was that "If in the past you did not spend State and local money in a certain school for a certain purpose, how can you call it supplanting if you now spend Federal Title I money in that school for that purpose. You cannot supplant what you have not spent." [6]

Nevertheless, South Carolina is using Title I money illegally to compensate for years of neglect of black schools. These expenditures probably improve the schools attended by poor black chil-

dren, but if State and local funds had been used, Title I money could have been directed to the educational handicaps they suffer.

School statistics from the State of **MISSISSIPPI** also illustrate supplanting of State and local funds. The per-pupil expenditure from State and local sources is greater in non-Title I schools than it is in Title I schools virtually everywhere in the State. Non-Title I schools (usually white) have more teachers per student than Title I schools (usually black). In **COAHOMA COUNTY,** for example, in the 1967-68 school year, non-Title I schools received $324.71 from State and local funds and Title I schools received only $175.00.[7] The **QUITMAN COUNTY, MISSISSIPPI** Superintendent testified in Federal Court that the highest per-pupil expenditure for black schools in his district was about half that of the lowest per-pupil expenditure in white schools and that Title I was going into black schools in an effort to equalize expenditures.[8] Mississippi's Title I allotment is going almost exclusively to black schools and is being used to build and equip cafeterias and libraries, to hire teachers, and to provide instructional materials and books long available to white students.

However, the use of Title I funds to supplant State and local funds is not just a Southern practice. Many Northern school districts also have disparate per-pupil expenditure between schools and use Title I funds in poverty-area schools to provide programs and services already provided in schools in more affluent areas.

The **MICHIGAN** State Department of Education published a school finance study in 1968 which showed that the level of expenditures in a school was related to the socioeconomic level of the students who attended the school, as measured by the major occupation of the father, the family income, and the type of housing. The more poor children in a school, the less was spent on that school. The study found that the level of expenditures in a school was related not only to the provision of special classes for academically advanced children, but also to the provision of remedial services for children who could not benefit from the regular school program. Michigan schools with higher per-pupil expenditures employed more remedial reading teachers, librarians, and art teachers, and utilized more innovative education methods than schools with a lower per-pupil expenditure.[9] It is for these same kinds of remedial services and extra personnel that Title I funds are so

often used. While we do not know precisely how much Title I money supported reading programs and supportive personnel in Michigan, such expenditures usually constitute a major proportion of Title I programs. In four out of five of the local district projects in Michigan which we examined, a major feature of the Title I program was reading and language arts. Reading teachers, reading specialists, and reading materials were funded in the schools enrolling the largest number of children from low-income families in each district.

Assuming the Funding of Programs Previously Supported by State and Local Funds

Another kind of supplanting of State and local funds occurs when local school systems use Title I money to support programs and services which were paid for by local funds before Federal money became available, or to provide identical services to all schools but charge Title I for these services in target schools. HEW auditors have uncovered numerous examples of such illegal use of Title I.

- The **ALTOONA AREA SCHOOL SYSTEM** in **PENNSYLVANIA** used $66,915 of Title I funds to help expand and extend an existing district-wide audio-visual system. The cost of the project in target schools was charged to Title I. The HEW audit report noted, "[W]hen an expenditure is made to serve general educational purposes for all children and at the same time to serve . . . educationally deprived children, then charging Title I with that part of the cost of the program that is applied to low-income children [penalizes those children] with respect to the amount of State and local funds used for them which is contrary to the provisions of the Act." [10]

- In **CHICAGO,** the Board of Education budget provided for the acquisition of mobile classrooms to be financed with the proceeds from the sale of a city-owned college. However, the $1,151,315 cost of the mobile classrooms was charged to Title I instead. In the 1966-67 school year, the Chicago Board of Education charged $56,138 in teachers' salaries to the After-School Program, a Title I project. For the same period, HEW auditors found a decrease in Chicago's own budget for the program of $56,138. Moreover, some teachers assigned to the Teaching Eng-

lish as a Second Language Program in District 26 in Chicago were being used as substitute teachers.[11]

- In **MILWAUKEE,** HEW auditors found that 1966 Title I expenditures, totalling $43,653, included charges for teachers salaries and related fringe benefits previously borne by the school district.[12]

- The **DETROIT** Board of Education was enrolled in a program with the Midwest Program on Airborne Television Instruction for several years prior to Title I and had extended its membership through fiscal year 1967. Even though the television commitment was made before Title I began, the Board charged $266,649 of the television costs to Title I for fiscal years 1966 and 1967.[13]

- The **COLUMBUS, OHIO** school system spent $195,551 of Title I funds to construct additional classrooms at six schools. The school board had previously committed local funds for the construction, but on "May 3, 1966, the Board cancelled encumbrances of bond funds . . . and authorized, instead, the encumbrance of ESEA Title I funds." Contracts for construction of four of the six schools were awarded prior to the date that the State approved the project.[14]

- **CINCINNATI, OHIO** utilized $44,335 of Title I funds to supplant State and local funds. Bids for the construction of portable classrooms at eight schools were let between March 30 and April 1, 1966. No Title I project for construction was presented to the State prior to the opening of bids. Then on May 9, the School Board passed a resolution to finance construction at two schools with Title I money.[15]

- In **ROCKFORD, ILLINOIS** and in **MARSHALL COMMUNITY UNIT SCHOOL DISTRICT** in **ILLINOIS,** Federal auditors found that certain salaries of district personnel had been charged to the Title I program even though these positions had been in existence prior to Title I.[16]

- In **FRESNO, CALIFORNIA,** HEW auditors disclosed that the school district spent "$24,640 of fiscal year 1967 funds to purchase and install television antenna systems in nine target area schools and the . . . administration building while at the same time used local funds to provide the same systems in fifteen non-target area schools." [17]

- HEW auditors discovered that the **DETROIT CITY SCHOOLS** charged to Title I a percentage of the overhead costs of the school

system which would have been incurred even if the district had not participated in Title I. The audit report concluded that Detroit overcharged Title I to the extent of $1.3 million in fiscal year 1966 and that similar overhead costs of $2 million were charged to Title I in fiscal year 1967.[18]

Title I and Other Federal Programs

Title I is frequently used to provide food services to hungry children. In fiscal year 1968, $32 million (or 2.9 percent of total Title I expenditures) was spent on food services, $25 million of it in the 17 Southern and Border States.

The poor coordination of Federal programs at all levels of government and lack of imagination, particularly in State educational agencies, have resulted in approval of Title I money for projects which could have been funded from other underspent budgets.

One deplorable example is the inadequate coordination of Title I with the National School Lunch Program administered by the Department of Agriculture (USDA) through State educational agencies. Using Title I funds to provide breakfasts, lunches or snacks for hungry children is entirely within the intent of the law and may help improve their academic performance. Until the National School Lunch Program more effectively reaches all needy pupils, school districts are justified in including food service in their Title I projects. However, States must be challenged if they use Title I funds for food service when other money is available.

A special Congressional appropriation, commonly referred to as "Perkins Money," [19] was allocated in fiscal 1969 to the States for expansion of school breakfast and lunch programs for needy children, and for purchase of equipment in schools without facilities for food service. In the absence of specific guidelines from USDA concerning how the $43 million Perkins funds should be used, State educational agencies exercised broad discretion in disbursing the funds among school districts. Strikingly, some States returned substantial percentages of their Perkins allocation while using Title I funds for food service. For example, Arkansas spent $2,488,915 of Title I funds in fiscal year 1968 for food services and returned $443,515 (or 43 percent) of its Perkins money.

States with large numbers of needy children should have exhausted all available funds to expand feeding programs. When

unable to do so quickly enough, Perkins money should have been used first because it was available only for food service. Yet some States returned Perkins money and used Title I money for food services. The table below compares the amount of Perkins money returned with the amount of Title I money expended for food services. Although the years are not comparable, we have no reason not to believe that States were spending comparable amounts of Title I funds on food in fiscal year 1969 as they were in fiscal year 1968.[20]

State	Amt. Perkins Money Returned FY 69	% Perkins Money Returned FY 69	Amt. Title I Money Spent On Food Service FY 68
Arkansas	$443,515	43%	$2,512,818
Delaware	51,361	80%	127,301
Louisiana	336,828	25%	198,203
Missouri	285,670	28%	408,235
Montana	30,051	25%	64,003
New York	350,900	18%	854,542
Nevada	14,748	50%	21,192
Pennsylvania	578,971	37%	663,085
Virginia	159,478	9%	1,471,544

We recognize the difficulty of using Federal funds efficiently when they become available after the school year begins, and when they come to a State agency through different programs. However, much improvement is possible, and a greater burden rests on the States to create the machinery necessary for planning, coordination and technical assistance to school districts. Effective machinery to do this job is sadly lacking in many States.

Title I money also lacks coordination with Title II ESEA which provides funds for school library resources, textbooks, and other instructional materials. Fifty million dollars was allotted to school districts in fiscal 1969 under this legislation. We have indications that Title II money may be used in some school districts exclusively in non-Title I schools while Title I is spent in target schools for identical items.

When community groups complain that they cannot determine where the Title I money is going in their school system, it is often because so much of the money is used as general aid and in place of other funds.

IV

CONSTRUCTION AND EQUIPMENT

While Title I Regulations do not prohibit the use of money for construction purposes or for the purchase of equipment, construction (or the rental of space or purchase of mobiles) and the purchase of equipment must be clearly related to a specific Title I project and essential to its successful implementation. The construction of permanent facilities is considered the responsibility of local districts and is permissible only in cases of extreme hardship. The purchase of equipment is permissible only if the local district does not already have similar equipment in its own inventory.[1]

The Office of Education has said that no more than 10 percent of a State's expenditures should be approved for construction projects. Its attempt to set a limit of 6.393 percent on the purchase of equipment was removed by Congressional action.[2] Such restrictions on the use of Title I are necessary to ensure that school systems do not spend money on hardware to the detriment of instructional programs. The Title I National Advisory Council found in its evaluation of several compensatory programs that large amounts of equipment were not a necessary ingredient of a successful program.[3]

Despite these provisions, many districts spend Title I money on the construction of regular school facilities and purchase excessive amounts of equipment, and State approval of these projects violates the Regulations and Program Criteria. The largest expenditures for equipment and construction came in the first year of Title I when almost one-third ($305 million) of the entire nation-wide expenditure was for equipment and construction. There are several reasons

to account for this. In the first place, Congress did not appropriate money until after the school year had begun. It was then late to spend much of the money, to hire personnel or to put together a program. Many districts therefore simply spent their allocation on buildings and huge inventories of equipment. It is also likely that initially local and State school officials may not have understood clearly what constituted allowable expenditures under the new Act. No doubt many financially hard-pressed districts saw an opportunity to make much-needed purchases. And in the South, some school systems, facing possible cut-off of funds because of their unwillingness to submit an acceptable desegregation plan, purchased large amounts of hardware that would remain in the district after funds were terminated.

The amount of money spent on construction and equipment has declined sharply since the first year. Nationwide Title I expenditures in these categories accounted for only 9.8 percent in 1968.[4] Some States have reported a drop in the amount spent and indicated that they were rarely approving projects for large expenditures on equipment or the construction of facilities. The decline in such expenditures is probably explained by the comment of one State official that the local districts had purchased all the equipment they would need for years to come. But many States have not decreased the amount of Title I funds spent for construction and equipment. For fiscal year 1968, **MISSISSIPPI** spent 30 percent of its Title I allocation for these two items.[5]

While levels of expenditures in each State may now be within acceptable limits, local districts have continued to spend Title I money to construct regular school facilities, and to purchase excessive amounts of equipment in violation of Federal Regulations and Program Criteria. Some of these projects may well have benefited children from low-income families, but many of these expenditures probably deprived these same children of much-needed instructional programs and additional personnel.

Construction

• The **DETROIT, MICHIGAN** Board of Education purchased the Temple Baptist Church, with $1.4 million of Title I funds, to house Title I administrative offices and activities. HEW auditors found, however, that "only a small portion" of the space was

actually utilized for Title I projects and that "The greatest benefactor to date appears to have been the Temple Baptist Church Congregation" which continued to use the building in the evenings and on the weekend. The church space was "substantially in excess of that needed to accomplish the objectives of Title I. . . ."[6]

Title I funds have been used to strengthen the dual school system despite Federal requirements that projects should be conducted in ways which eliminate racial, social, or linguistic isolation of children. In 1967, the Commission on Civil Rights pointed out that Title I money was being used to perpetuate racial segregation.[7] But the Commissioner of Education has never expressly forbidden the use of Title I funds for the construction of racially separate facilities.

- In **YAZOO COUNTY SCHOOL DISTRICT, MISSISSIPPI,** HEW investigators found that Title I money was used to perpetuate segregation. Funds were used to renovate completely a dilapidated three-room black school located in a cotton field. Six portable units, including a lunchroom purchased with Title I funds, were added to the school, and covered walkways were built to connect the many portables. The result was a trailer school. At a second black school, Title I built a new library and new classrooms, and portables, connected by walkways, were added to the site.[8]
- The **FAYETTE COUNTY PUBLIC SCHOOL SYSTEM, TENNESSEE** used 90 percent of its entire Title I entitlement ($452,555) for construction of a school and 10 percent for equipment in the 1965-66 school year. When the project was submitted to the State, a site had not been acquired, a survey of building needs had not been completed, and architectural services had not been acquired. The school built with Title I funds has a predominantly black enrollment despite a Federal court order that Fayette County desegregate its school system.[9]

Equipment

- The HEW Audit of the State of **ILLINOIS** for fiscal years 1966 and 1967 found that the State Department of Education's Title I office had approved purchases of equipment by local districts without obtaining assurances that the amounts were reasonable, or that the equipment was actually to be used for Title I programs. The **EAST ST. LOUIS SCHOOL DISTRICT NO. 189**

used $228,660 to equip and operate a central instructional materials center and 22 attendance centers of audio-visual activities. But State files contained no documentation that the quantity of films and projectors purchased was "reasonable." The **ALTON COMMUNITY UNIT SCHOOL DISTRICT NO. 11's** Title I project for 623 students purchased 475 16 mm. films at a total cost of $71,250, but the quantity of films was not explained in the State's files. In **DECATUR PUBLIC SCHOOL DISTRICT NO. 61,** $5,000 of its Title I budget was listed for unspecified equipment to be purchased as "additional needs are likely to become apparent." [10]

- Some school systems do not spend their Title I money as they have outlined in their project proposals to the State. Unless districts are carefully audited, they may spend more on equipment than they told the State they would. HEW auditors found that the State of Illinois had approved a Title I project proposal from **PEORIA PUBLIC SCHOOL DISTRICT NO. 150** for $523,941, of which 40 percent was to be spent on equipment. When auditors visited the district, they found that the actual amount spent was $256,735, of which 75 percent was spent on equipment.[11]
- The **LOUISIANA** State Department of Education spent $55,317 for equipment for uses other than Title I, such as multiliths for the printing office, furniture for the Special Education Unit, and electric typewriters for the School Transportation Unit. Auditors found that the purchases had been intended as Title V ESEA (aid to State departments of education) expenses, and that they had been charged mistakenly to Title I.[12]
- An HEW audit found that the **MILWAUKEE** Public Schools used $11,621 of Title I funds to purchase 14 tape recorders and two language labs for use by a National Defense Education Act program. In addition, the district purchased three tubas costing $1,173 for a non-Title I school.[13]
- **MACON COUNTY, ALABAMA** purchased football uniforms with $2,230 of Title I funds.[14] **OXFORD, MISSISSIPPI** purchased $35,000 worth of band uniforms with Title I money.[15]
- The **MEMPHIS** City Schools spent $323,668 for equipment, materials, and facilities for training high school students in eight schools in vocational education fields for trades, industrial and distributive education and office occupations. The eight schools already had vocational education programs financed in part by the

Vocational Education Act of 1963. Title I funds were used to "tool-up" for the beginning of the 1966-67 school year. The HEW audit found that this was an improper use of Title I and that the apparent purpose of the project was "to equip schools with vocational equipment to serve future classes of children without identification of students or the nature of their educational needs." [16]

- **MEMPHIS** purchased 18 portable swimming pools in the summer of 1966 at $3,500 each. The justification for the expenditure of $63,000 was that funds originally approved for a summer remedial program would not be spent and the money would otherwise be unspent.[17]
- The Patton Lane High School in **SOUTH PANOLA COUNTY, MISSISSIPPI,** with an enrollment of 2,069, is saturated with Title I equipment. According to a principal, Title I purchased 12 television sets, tape recorders and filmstrip projectors for every two to three rooms, several 16 mm projectors, library books and textbooks, dictaphones, bank statement machines, mimeograph machines, three calculators, 10 adding machines, 10 electric typewriters, a deep fryer, glasses and trays for the cafeteria, uniforms ($9,000 worth), instruments, a piano, music, choir robes, a bedroom suite for the home economics department, sewing machines, and a china closet. The principal commented: "We never have too much equipment. We could use more and most of the equipment is obsolete." [18]

The National Advisory Council on the Education of Disadvantaged Children noted in its 1966 report that although bright, new equipment might be a morale-raiser for teachers, much of that equipment could be a "screen for teachers to hide behind as a substitute for establishing rapport with the child." [19] Some teachers have reported that Title I equipment in their school remained in storage because they had never been taught how to use it.

- In **WORTH COUNTY, GEORGIA,** a district with much Title I-purchased equipment, a principal of a Title I school told our interviewer that all teachers did not make use of the equipment. He thought that the district should cut down on equipment purchases and increase food services.[20]
- A principal in **NEW ALBANY, MISSISSIPPI** told our interviewer that materials and equipment are sent to his school without asking him what he needed. "The equipment is very useful," he remarked. "The only problem I have is getting teachers to use it." [21]

Some of the major lobbyists for the passage of ESEA were text-

book publishing companies and the producers of educational hardware. Their lobbying efforts have paid off because millions of Title I dollars have been used to purchase their products. In a very real sense, the professional producers have influenced the manner in which Title I funds have been used as much as, if not more than, the professional educators.

A 1966 memorandum from the Arkansas Title I Director to local school systems summarizes what we believe to be the situation even today:

> "Evidence is piling up that field representatives of educational equipment and materials companies and representatives of textbook concerns and other publishing concerns are busily engaged in assemblyline production of [Title I] project proposals involving specific products." [22]

The purchase of large amounts of equipment, which is either unused or unnecessary, resulted in wasting millions of dollars which could have been used instead to assist poor children in overcoming their educational handicaps.

V

FAILURE TO MEET THE NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

The Title I Regulations are very clear about the purpose of the legislation. It is to provide educational assistance to educationally disadvantaged children in order to raise their educational attainment to levels normal for their age. Title I programs must be directed to the "special educational needs" of disadvantaged children, and these may vary depending on the child and the community. Such special educational problems might be low reading levels, inability to speak English, need for greater individual attention, or need for instruction more relevant to a child's cultural background. But the central purpose of Title I is to raise academic achievement. Expenditures for health, food, and recreation must be supportive to the main program of academic instruction and must be fully justified on the basis that the resources of other agencies are inadequate to meet the need for these services.[1] Where school officials fail to use Title I for the special educational needs of poor children, they are not only violating Title I, they also discriminate against these children, whether they be black, brown, or white.

There are wide differences of opinion as to how to raise academic achievement, but this is not our debate. We contend that Title I in some school systems is not being used at all, or only in a limited way, for academic programs for the special educational needs of children from poor and minority communities.

Too many local school systems use Title I to purchase excessive amounts of equipment unrelated to meeting the educational needs

of children, to add to the administrative staff, to sponsor non-academic programs, or to provide health, food, or recreational services which may be either unneeded or may be supported by other governmental agencies or private groups. In some school districts, Title I may provide no academic assistance at all, or very little, to enable children to overcome their educational handicaps.

• An HEW Title I audit of the **DISTRICT OF COLUMBIA** (D. C.) indicated that during fiscal year 1966 the school system spent $1.2 million, out of a total of $5.6 million, for programs that were not designed to meet the special educational needs of educacationally disadvantaged children. One project, Environment Improvement Project, was a drop-out prevention project. The stated purpose was "to make the classrooms attractive and functional and thereby create an attractive environment for students from depressed areas." To achieve the aims of the project, $375,000 was transferred to the D. C. Department of Buildings and Grounds for repair and renovation of target schools. Another sum of $895,177 was used for the purchase of equipment. HEW auditors found that of the amount transferred to the Department of Buildings and Grounds and reported as an expenditure, $224,199 was actually unspent. The balance of $150,801 was used to carpet 18 kindergarten rooms, replace chalk and tack boards in 54 schools and repair an administration building at a special girls' school.

The HEW auditors noted:

". . . [I]n discussing this project with [District of Columbia school officials] at the time of our review, we were informed that the environment improvement project had not been designed primarily to result in measurable benefits to students in target schools but instead to make the schools different from all other schools and therefore motivate and improve the performance of teachers and principals. . . . In addition, school officials and a contract official responsible for evaluating all Title I projects stated that the project was not evaluated because criteria used to evaluate the Title I program were student oriented, and since the project was oriented toward the needs of schools rather than identifying the needs of students, there was no way to determine whether any educational benefits had accrued to students as a result of the project." [2]

• Title I funds for a summer project in the **DISTRICT OF COLUMBIA** were also described in an HEW audit report as a

violation of the Title I policies and Regulations. The school system transferred $250,000 in July 1966 to the Department of Recreation for help in financing a summer project called "Step-Up." According to Federal auditors, the school system had no part in designing the project and could not even identify the children who participated in it. The school system had no assurance that the program would meet the educational needs of poor children and, because the district did not know who participated, there was no evaluation of the children's educational attainment.[3]

An example of a district that did not use Title I to support an instructional program during the regular school year is the **BUENA VISTA DISTRICT #9** in **MICHIGAN.** The entire Title I program during the regular school year in 1967 consisted of hot lunch for 30 children and instrumental music for 30 children. The Title I summer program did provide a language arts program for some children, but it was conducted for only half a day, five days a week for five weeks. The district's Title I application justified the use of Title I for lunches on the basis that the regular school lunch program could not afford to pay for the lunches of 30 poor children. The district admitted that more than 30 children needed free lunches. The stated purpose of the instrumental music program was to enable children to compete successfully in the regular school program and to overcome factors which prevented "culturally disadvantaged children" from participating in the special program. Among these factors was the limited number of instruments for loan and the inability of poor parents to buy instruments. Six thousand dollars of the Title I budget was used to purchase instruments.[4]

In other school districts, a minor portion of the Title I program is devoted to instructional programs. In **BENTON HARBOR, MICHIGAN,** for example, during fiscal year 1968, 27 percent of the budget was spent on dental services for 1,400 children while only 19 percent was spent on instructional programs. The Title I budget specified salaries for a dentist ($15,000), five nurses, a dental assistant, a dental hygienist and a secretary. Other budget items consisted of the cost of supplies and operation of a dental office ($5,000), and a medical and clothing fund ($3,000).[5]

Some school systems do not use Title I to provide assistance to children with special educational problems, particularly those

school systems with substantial numbers of Mexican-American or Puerto Rican children from Spanish-speaking homes. These children face the impossible problem of coping with the regular instructional program which is conducted in a language foreign to them. When the school system does not provide bilingual programs to help them learn English and at the same time make use of their first language, these children inevitably are held back. They fall behind, become discouraged, drop out of school at an early age, or are relegated to classes for the educable mentally retarded.

• In **BAKERSFIELD, CALIFORNIA** where 22 percent of the school enrollment is Spanish-speaking, no bilingual program is funded by Title I. The in-service training for Title I teachers does not include any training in Spanish to enable teachers to communicate with their Mexican-American students even though Mexican-American students constitute approximately 50 percent of Title I participants. In Bakersfield and other districts there has been controversy over the exclusion of predominantly Mexican-American schools from the Title I program. Only two of the four elementary schools in Bakersfield, enrolling more than 50 percent Chicano students, were included in the Title I program in the 1968-69 school year, while three of the four predominantly black schools were included.[6] In part, the exclusion of certain schools may be due to the insistence of the State's Office of Compensatory Education that Title I funds be concentrated on fewer children in order to produce the maximum academic achievement. However, Mexican-American parents complain that their children are the first to be cut out and that the criteria for concentration of funds do not include any consideration of the language problems of a substantial proportion of the poor population. Mexican-American parents further contend that English as a Second Language programs sometimes funded by Title I are not a substitute for bilingual instruction, because such programs do not include instruction in Spanish which is a vital part of the child's cultural heritage.

• The Office for Civil Rights of HEW recently notified the **BAKERSFIELD CITY SCHOOL DISTRICT** that it was in violation of Title VI of the 1964 Civil Rights Act because of discrimination, in part, against Spanish-speaking students. HEW charged that Bakersfield fails to provide Spanish-speaking children with the programs necessary to assist them in overcoming the language and cultural barriers which prevent them from enjoying equal educa-

tional opportunities. The school district had made no effort, according to HEW, to determine which of its Spanish-surnamed students were not fluent in English and had failed to provide programs designed to meet their special language needs. Title I was not used to provide such programs.[7]

- Another failure of local school officials to use Title I to meet the special educational needs of disadvantaged children comes from **OAKLAND, CALIFORNIA.** In 1967, Oakland's Lockwood Elementary School was designated as a Demonstration Center and Title I funds were invested in a media center, a music program and a health and physical education program. Five physical education teachers were hired for a physical education program, the goals of which included the necessity of exercise to "prevent heart trouble," to increase the "flow of blood to the brain," and to provide instruction on the ill effects of the use of tobacco, alcoholic beverages and drugs. Parents of Lockwood students asked whether the money could not have been used to provide instruction in remedial reading. They were reportedly told by school officials that they knew what was best for their children and that the special physical education program would help their children read better.[8]
- We also have disturbing evidence that some Title I programs may be designed to serve the economic interests of the affluent population rather than the educational needs of poor children. In **BENTON COUNTY, MISSISSIPPI,** Title I funded a six-week course in homemaking for 11th and 12th grade black girls at the Old Salem School, an all-black school. The homemaking course was conducted in private homes three days a week, for four hours each day. At the white high school, Title I provided a summer school program in math and English. We suspect that these black girls were being trained with Title I money to become maids for the local population.[9]
- The HEW audit of **MASSACHUSETTS** identified 22 out of 24 approved applications that did not provide any assessment of the needs of children as required by Office of Education's Program Criteria. The audit report commented: "Until such time as these . . . criteria are met we believe that certain inequities could result because the needs of certain groups of educationally deprived children may possibly be ignored." The Massachusetts Audit further revealed that $1 million of Title I funds, in each of three separate fiscal years (1966, 1967 and 1968) allocated to the State went un-

used. In the auditor's judgment, this money was not used to meet the needs of educationally deprived children because of the State's poor management.[10]

- In **BOSTON, MASSACHUSETTS,** school officials told HEW auditors that limited Title I funds precluded providing additional service to some attendance areas with high concentrations of children from low-income families. In fiscal year 1967, Boston did not spend $412,000 of its Title I entitlement, and in fiscal year 1968, $263,000 was unspent.[11]

- The **NASHVILLE-DAVIDSON COUNTY, TENNESSEE** school system used $79,942 of Title I funds to convert a manual pupil information system to a computerized pupil data system. The system, which was designed to identify needs of children and report them to a central facility daily, served all students in the project area rather than only the educationally deprived children. HEW auditors found that the system was not designed to meet identified needs of deprived children but to accumulate data for future use.[12]

- The **LOUISIANA** audit further noted the construction of two olympic-sized swimming pools in **CLAIBORNE PARISH** built with Title I funds. The two outdoor pools were located at black schools, but the auditors were told that no other schools had swimming pools. The two towns in which the pools were located operated municipal swimming pools during the summer months.[13]

- The method for allocating Title I to school districts prevents local school officials from meeting the needs of its poor students. Congress allocates money to counties, and where there are several school districts within a county, the State has the responsibility for dividing the Title I allocation among the districts. Because of the manner in which **CALIFORNIA** divides Title I funds, predominantly Mexican-American districts have been receiving fewer funds. The **EL RANCHO UNIFIED SCHOOL DISTRICT** in **LOS ANGELES COUNTY,** for example, received $362,000 in 1965, $308,000 in 1966, $247,000 in 1967, and $172,000 in 1968. The district estimated that it would receive approximately $100,000 in 1969. A school board member of El Rancho Unified School District reported that:

> "Due to the severe reductions, our programs under Title I have also been drastically reduced to such a degree that many of our Mexican-American youngsters once served under the program

can no longer receive the educational benefits provided under Title I." [14]

- In **DARLINGTON COUNTY, SOUTH CAROLINA,** the superintendent described the summer Title I program, a pre-school program in the black schools, staffed primarily by white college students, as a wonderful experience in human relations, but a black leader said he thought the program was simply a way of giving summer jobs to white college students. No contact had been made with the black community regarding the summer program.[15]

- Some Title I summer programs fail to provide for the academic needs of educationally disadvantaged children. In **WORTH COUNTY, GEORGIA,** for example, an academic program was operated in the white school [16] and a recreational program was operated in the black school. Although black students may transfer to the white school for the summer program, many do not wish to challenge the traditional barriers of racial separation. This practice indicates that school authorities sometimes have little expectation that black or brown children can benefit from academic work and that white children can.

- The Office of Education policies require that program evaluations must meet the needs of children and not the needs of research specialists. However the **COLUMBUS, OHIO** school system paid Ohio State University $317.565 for evaluating Title I, but the research project, according to HEW auditors, seemed designed to meet the needs of researchers and the thesis requirements of graduate students rather than the needs of educationally disadvantaged children. According to Ohio State, the purpose of the evaluation project was not "service" but research into evaluation techniques and instruments. The Ohio State Department disputed this conclusion and declared that the evaluation was a "prudent and wise use of funds." HEW auditors replied that the State's assertion was undocumented.[17]

Until Title I is used to meet the educational needs of poor children, the goals of the legislation will not be met.

VI

LACK OF COMMUNITY INVOLVEMENT AND DENIAL OF INFORMATION

No educational effort can truly succeed apart from the community in which the students live. The Office of Education recognizes this and requires that each local district provide for the maximum practical involvement of parents in the design, planning, operation, and evaluation of Title I programs. Some appropriate vehicle for community involvement, such as a Title I advisory committee, must be established by school systems, with at least half of the committee composed of parents and representatives of community agencies serving the poor community. The Title I program itself should include activities and services in which parents may be involved.[1]

Many school districts ignore these requirements, and where they are followed, they are often manipulated in such a way as to exclude the community or make it more difficult for poor people to become involved in, and knowledgeable about, Title I programs. Most people in poor and minority communities, including those on existing Title I advisory committees, do not know that the project application which every district must file with the State in order to receive its Title I entitlement must include the signature of the head of the local Office of Economic Opportunity community action agency, certifying that it had been involved in the planning of the proposed project. Approval by community action agencies in many communities is a perfunctory exercise signifying no involvement in the design of Title I projects.

The National Advisory Council on the Education of Disad-

vantaged Children reported in its 1968 study that out of 116 programs observed by its consultants, only two reflected an attempt to involve parents. The Council concluded: ". . . one area of almost no apparent progress is . . . parent involvement. . . ." [2]

In some communities, there has never been a Title I advisory committee and the poor community is completely unaware that one is required. In other communities, an advisory committee may exist in name only, but poor people, including sometimes its supposed members, are unaware of its existence. For example, 191 parents were interviewed for this study and not one, including active community leaders, was informed about Title I and how it operates. A few were vaguely aware of Title I, but the vast majority of parents knew nothing about the program although they might know about changes in their child's school. Interviews with several principals of Title I target schools confirmed that parents are not involved in the planning or execution of Title I projects and that Title I advisory committees do not exist. Most school officials whom we interviewed indicated that decisions concerning the needs of children and the allocation of funds were made by a few school personnel with little or no consultation with poor, white, black, or brown people.

- The **DORCHESTER COUNTY, SOUTH CAROLINA** Voters League recently sent a memorandum to the superintendents of the three school districts in the county asking for a list of the local advisory committees and an explanation of how the members were chosen. The Voters League, the most active group in the black community in a county that is 65 percent black, had no knowledge of any Title I advisory committee and had only recently been aware that such a requirement existed.[3]

- The Title I Coordinator in **ALBUQUERQUE, NEW MEXICO** told our interviewer in August, 1969 that he hoped to start a committee soon.[4]

- In **ABERDEEN, MISSISSIPPI,** several black citizens were called together by the district superintendent in August, 1969 and told that they were members of the Title I advisory committee. The superintendent of schools told the group that he had already sent the Title I proposal to the State, but he wanted to let them know what the proposal contained. This action took place after the Commissioner of Education had written to the Mississippi State superintendent of education regarding the State's failure to require

local districts to provide for adequate involvement and participation of local citizens.[5]

- In **OXFORD, MISSISSIPPI,** the Title I coordinator told our interviewer that an advisory committee representing a broad cross-section of the community made decisions about the Title I program and that meetings were held fairly frequently and were well attended. But the principal of a Title I school told the interviewer that there had never been any advisory committee. Moreover, a parent, whom the Title I coordinator identified as a member of the advisory committee, denied any such membership and said that she knew of no meetings which the committee had or which had been attended by anyone she knew. She had attended PTA meetings but had not heard any mention of plans for Title I funds.[6]
- A Mexican-American mother, active in the **TUCSON, ARIZONA** poverty program and knowledgeable about her community, complained to our interviewer that she did not know how the funds were spent. A black worker active in a neighborhood Office of Economic Opportunity center asked how Tucson got Title I funds without the poor being informed.[7]
- An HEW audit of Title I in **OHIO** found that in three cities—**TOLEDO, AKRON** and **COLUMBUS**—the local community action agency stated in the Title I project application that it had not been included in planning the Title I project.[8]
- Parent interviews in **COOK COUNTY SCHOOL DISTRICT #151** (Phoenix-South Holland), **ILLINOIS** revealed that the black community had not been properly informed, if at all, of any meetings held about Title I. Our interviews reported: "There seems to be little or no knowledge of any new programs within the schools. . . ." [9]
- An interviewer in **SUMTER COUNTY, ALABAMA** reported that he spoke at a community meeting about Title I but there was little awareness of what Title I was.[10]

In some communities, a Title I advisory committee exists, but poor and minority people do not think it represents their interests. These advisory committees generally are appointed by the superintendent, the Title I coordinator or the principals and may be composed entirely of school personnel. The advisory committee usually agrees with the proposal drawn up by a few school officials and acts as a rubber stamp. Members of the committee may even be unaware of the content of the proposal which they approved.

• Parents and officers representing civic groups in seven **MISSISSIPPI** school systems reported to the Office of Education in April and May of 1969 that they had no knowledge of Title I programs and expenditures in their districts, that school officials had rebuffed overtures to establish parent involvement, that black principals and teachers frequently knew nothing about Title I programs in their own schools, and that where advisory committees existed, their members were selected by white school officials or board members and performed no real function. Parents had been told they could not see the project application or any other Title I material.[11]

• In **NEW YORK CITY,** the Council Against Poverty was established in September 1966 to increase participation of poor people in anti-poverty programs. It was then the only policy-making organization for the city's anti-poverty programs, and attempted to work with the board of education in planning Title I projects. But it was frustrated in its attempts. The Council's chairman, Reverend H. Carl McCall, wrote to the President of the Board, Lloyd Garrison, in October, 1966 informing him that the Council was in no position to approve the proposed projects because:

> "In spite of repeated requests, this agency has not received information sufficient to permit it to make an informed judgment. To this date, it does not know the Board's goals or priorities or even the specific areas and schools in which Title I projects are proposed." [12]

The next year the Council Against Poverty and board members were again denied access to evaluation reports of the previous year's Title I programs until just before the monthly board meeting. Hearings were held in August on programs that would commence in September. An observer of the New York City school system writes:

> "Evidence on this controversy suggests that the Board of Education at least partly disregarded the spirit and intent of the Federal law. It used traditional organizational strategies—delaying the formulation of a program until it was too late for any citizen review; informing the board members on the program at the last possible moment; maintaining a facade of consultation through citizens groups in the form of 'democratic ceremonials' while refusing to invite them in on any joint planning basis. And

it did this despite a Federal law and an increasingly enraged citizenry who were opposed to that style." [13]

Denial of Title I Information

It is clear that many parents and community leaders are unaware of the Title I program in their school district. But many citizens have sought Title I information from local and State school officials and been denied. Federal Regulations provide that the terms and provisions of each approved project should be made available for public inspection. The Office of Education interprets this provision to mean that any citizen must have the opportunity to examine Title I materials and to make copies of them at his expense.

Yet private citizens, including interviewers for this study, were denied access to project applications. Some school officials even refused to provide specific information on the number of children participating and how Federal money had been spent.

- School officials in **ANDERSON #5, SOUTH CAROLINA,** and **AUTAUGA, GREENE,** and **SUMTER COUNTIES, ALABAMA** denied our interviewers access to materials. In **ANDERSON #5,** a school official told our interviewer that he was not going to show records to anybody. "How do I know you're not a Communist," he said. In **TELFAIR COUNTY, GEORGIA,** our interviewer was permitted to look at Title I records but not to make copies of them.[14]

- Black citizens in **MISSISSIPPI** have had continuing problems with local and State officials who have denied them Title I information contrary to Federal Regulations. As a result of complaints to the Office of Education regarding denial of Title I information, Commissioner James E. Allen wrote to the State superintendent of schools reiterating the Federal provision on public information of Title I records. Since then Mississippi State and local school officials have intermittently made available Title I records or portions of Title I records. Our latest information, however, indicates that local black citizens are continuing to experience denial of public information.

Interviews in school systems across the country elicited responses from school officials that serve to explain why there has been a lack of community involvement, a failure to establish and utilize Title I advisory committees, and a denial of Title I information.

Some school people were courteous, frank and anxious to provide information about Title I programs and they were very helpful in providing materials for this report. Other school officials were not only unhelpful, but were openly hostile and antagonistic to the interviewer.

- **A WAUKEGAN, ILLINOIS** school administrator told our interviewer that the administration knew "everything" and thus he saw no need for community involvement.[15]
- In **TUCSON, ARIZONA** a principal was asked about community involvement and responded: "We don't need that kind of involvement." [16]
- A principal in **OXFORD, MISSISSIPPI** told our interviewer that parents "play no part" in the Title I program, but that since he himself was a parent any decision he made would be sufficient for other parents.[17]
- A parent in **BAKERSFIELD, CALIFORNIA** reported that a school official told her that her child was eligible for special classes but would not be admitted because her child "did not want to learn." [18]

In several other communities our interviewers reported that some school officials reflected an attitude that Title I children were beyond help. Some school personnel apparently believe that brown, black, and poor children are inferior. In communities where there is outright hostility to minority rights, poor parents definitely believe that neither the schools nor the Title I projects are being run in their interest.

We believe that a major cause of the lack of community involvement in the Title I programs in many school districts stems from a lack of communication. Too many school systems rely exclusively on newspaper, radio or PTA meetings to convey information. Poor parents often cannot get information through these channels or because of the press of work and family problems cannot attend meetings. There has been a general lack of effort in many districts to reach out into the community and make sure that not only are parents aware of what is happening in their children's schools, but that they are involved in decisions affecting their children.

A school official in **ALBUQUERQUE, NEW MEXICO** commented that he thought the communication gap was the school sys-

tem's fault because it made no effort to extend itself into the homes.[19]

The communication gap exists between the school and parents in many communities. However, it can be closed where there is a genuine willingness on the part of the school establishment to communicate with and be accountable to the poor and minority communities. Poor people want to participate. Several parents commented during our interviews that they would be glad to have more information about their schools and that they would appreciate the opportunity to learn about and become involved in Title I projects. Comparable willingness on the part of school officials could involve citizens in school affairs.

VII

FEDERAL AND STATE ADMINISTRATION OF TITLE I

The responsibility for administering Title I is divided among the institutions traditionally responsible for American education—local school systems, State departments of education, and the Office of Education. So also is the responsibility for illegal use of Title I money shared by these levels of government.

That there has been misuse of Title I funds in many State and local programs stems in large measure from inadequate, and often negligent administration of the law. The States' unwillingness or inability to administer a large Federal program according to the law and in the best interests of poor children should deter any trend to give the States still more control over more programs as advocates of "bloc grants" urge. With few exceptions, the States lack the ability to administer programs in a manner faithful to national policy.

Division of Responsibility

The Federal government has overall responsibility for implementing the national policy of helping educationally disadvantaged children. The responsibility for approving projects rests with the States. Although both the State and Federal governments are ultimately responsible for implementing the legislation, basic decisions about the allocation of Title I resources are made at the local level. This report provides numerous examples of decisions concerning the allocation of resources that are illegal, unwise, and often unresponsive to the needs of children.

While all three levels of educational administration are legally responsible for implementing Title I, the Federal government has special responsibility. Broad authority rests with the Commissioner of Education to establish policies and procedures for the program and criteria for the design and approval of specific projects. The law and the Regulations direct the Commissioner to:

- determine the maximum grant to which each local system is entitled;
- establish basic criteria for use by the States in approving local projects;
- approve State applications for participating in the program;
- make periodic audits of State and local expenditures;
- withhold Title I payments to State and local educational agencies when there is a failure (after reasonable notice and opportunity for hearing) to comply with the Regulations;
- provide national leadership and support to meet the aims of the legislation.

State Departments of Education are required to:

- implement the criteria established by the Commissioner;
- approve project applications from local educational agencies and determine that approved projects are actually implemented;
- establish accounting and fiscal controls which assure proper distribution of funds;
- provide for annual audits of State and local expenditures;
- investigate complaints;
- make periodic reports to the Commissioner evaluating the effectiveness of local projects;
- make available for public inspection the terms and provisions of all approved Title I projects;
- provide State leadership to carry out the goals of the legislation.

The Office of Education, the Federal agency responsible for the administration of Title I and the implementation of Congressionally determined policy, views Title I as a State program, and looks to the States to implement the criteria it has set forth. In turn, many States take the position that Title I is a local program and that

they merely act as conduits for Federal funds. Some local school officials take the attitude that criteria for spending money are set down by the State and thus Title I is not truly a local program. They reason that if Title I were a local responsibility, local districts could literally spend the money in any way they saw fit, including using it as general aid to education. Thus real responsibility for administering the law and spending the money is commonly not accepted at any level. Rather, it is shunted around in such a manner as to make impossible any rational and coherent administration.

No doubt real problems obstruct the orderly administration of the law. School officials unanimously agree that late and uncertain Federal funding makes planning and hiring of qualified staff extremely difficult. Insufficient staff to monitor Title I projects and meet the State's obligations under the law is another problem. Some State officials say that their job is made more difficult by the failure of the Office of Education to insist on its own criteria for projects and the failure of the Federal government to back up the State when it does seek to require local districts to adhere to Federal criteria in its expenditure of money. The sheer size of the Title I program and its uniqueness in American education further contribute to difficulties in administering the program.

Administration is also complicated because Title I is caught in a political thicket. State education agencies have historically guarded their prerogatives jealously against what they consider the imminent encroachment of Federal control. In some areas, local authorities are as suspicious of State power as States are of Federal power.

The Office of Education has always dutifully honored the prevalent philosophy of State control over education in its administration of Federal programs, and Title I is no exception. The powerful Council of Chief State School Officers has defined what it thinks the Federal role in education should be:

> "The U.S. Office of Education should become a cooperating partner of local and state educational systems, with all levels of government using a team approach to achieve the basic purposes of public education." [1]

"Cooperating partner" is the key to the division of authority. Even when national policy is at stake, the States not only define what the Federal responsibility will be, but they assign to the

(2)

Federal government a junior partnership in achieving the basic purposes of national legislation. The Council of Chief State School Officers' position is that:

> "The Federal government should assist the States financially, but it should not seek to require uniformity . . . through Regulations or other techniques affecting eligibility of State or local educational agencies to receive Federal funds.[2]

The philosophy of State control is so deeply embedded that some States have refused to permit Federal auditors to audit Title I projects at the local level. In an audit report of Title I in **NEW YORK STATE** at the time when James E. Allen (presently U.S. Commissioner of Education) was State Commissioner of Education, HEW auditors reported:

> "Although we determined that the records at the State level were inadequate, the State agency did not accept our request for clearance to visit [local educational agencies] for audit purposes on the grounds that such action would weaken or interfere with the normal State-local relationship."[3]

Thus, State control of education has been used to prevent the Federal government from auditing its own programs. An audit report of the State of **KANSAS** stated:

> "During fiscal year 1967, the State Agency had conducted audits of some local educational agencies receiving [Title I Funds] . . . Our reviews disclosed certain weaknesses and documentation of the audits performed. We were particularly concerned about this problem since the State Agency has insisted that audits of local educational agencies be carried out by the State rather than the HEW Audit Agency."[4]

The extent to which State and local school systems have violated the letter and spirit of the law demonstrates what can happen when the Federal government adheres to the time-honored policy of local control. The Federal government has been timid and negligent in implementing Title I. As a result, the rights of children whom Congress designated as the sole beneficiaries of Title I have gone unprotected. Clearly, fears of Federal control are unwarranted

based on the evidence. If anything, there has been too little Federal control.

The "cooperating partnership" between Federal, State and local education authorities may mean that a national law like Title I is not implemented properly. Chicago is a case in point. An HEW audit of **ILLINOIS** in the first fiscal year of the program found that the Chicago Public Schools spread Title I funds to 228 schools in the poverty areas of the city instead of concentrating funds on those children most in need so that there would be reasonable promise of success.[5] This practice is a violation of the requirement for concentrating services. The State Title I office has attempted to secure Chicago's compliance with this requirement; however, its recommendations have generally gone unheeded and Chicago continues to spread Title I resources to all poverty-area schools. A State of Illinois official told our interviewer that the State did not feel that it had the authority or power to enforce this requirement even though it is a Federal requirement. Nor has the Federal government taken steps to enforce the requirement in Chicago, or elsewhere, to our knowledge. A State official was convinced that the State would have a much stronger hand in enforcing the Federal requirement if the Federal government itself was serious about enforcing the law. For example, the official commented, the Federal government comes in and does an audit but it never follows up by insisting that corrective action be taken. When local school systems find that the Federal government is not going to force the issue, they ignore the State with impunity.

State Management

> The Council of Chief State School Officers believes that:
> "It should be entirely possible and practicable for Congress to define national educational goals to be met through federally financed programs and thereafter to rely upon state and local agencies for the details of their administration."[6]

Unfortunately it is neither possible nor practical, for national goals are subverted by inadequate management at the local and State level and the responsible Federal agency does little to correct the situation.

Misuse of Title I money discussed in previous chapters is well known to Federal and State authorities. Indeed, the HEW Audit

Agency issued a special report to the Office of Education in March, 1969 summarizing the instances of improper administrative procedures and misuse of funds on a State by State basis for the 15 audits it had completed.[7] Each State audit is discussed with State officials and the audit report itself is submitted to the State for comment, response, and further information. A period of months follows while Office of Education and State officials negotiate during which State officials attempt to justify the expenditures questioned by the auditors. In a few instances, the States are responsive to Federal findings and seek to take corrective action. But in other instances, some States categorically refuse to respond to the issues or to accept the validity of the findings.

- HEW auditors found **INDIANA** State officials unwilling even to discuss the audit findings. The audit report noted:

  "The state representatives did not avail themselves of the opportunity to discuss the findings and recommendations presented in our report at the exit conference arranged for that purpose. They stated, instead, that they wished to be quoted as neither agreeing nor disagreeing with our findings and recommendations. They refused to engage in any discussion of matters disclosed in our audit report to furnish a reason for their statement." [8]

- In an audit of Title I in **ILLINOIS,** HEW auditors questioned the excessive purchase of audio-visual equipment in several school systems, and State officials responded:

  "With respect to the amount of materials and equipment purchased, we emphasize these were professional judgments of professionally trained school administrators. We question whether a man without specific training in the field of education and no experience as a school administrator can make a valid judgment in this area." [9]

- When HEW auditors questioned the lack of a proper audit procedure in **GEORGIA,** the State Superintendent responded:

  ". . . The amount of . . . Title I money provided for the State Department of Education administration . . . is not enough at this time to cause a greater amount to be expended by our Financial Review Section . . . for . . . Title I review work, and furthermore the legal responsibility for actual audit work in Georgia rests in the Duties and Powers of the State Department of Audits." [10]

HEW audit reports and our own interviews uncovered major problems in the administration of Title I at the State level. Many of these problems concern fiscal and management controls. The major deficiencies in State administration which affect the quality and appropriateness of projects and determine whether benefits are reaching eligible children are the approval and auditing of projects.

Approval of Projects

In some States where we interviewed officials it was apparent that the approval of Title I project applications and the determination that the program met Federal Criteria is a perfunctory exercise at best.

- In **SOUTH CAROLINA** the Title I coordinator was asked how the State determined that local Title I programs were meeting the needs of the educationally disadvantaged children. He replied that the local officials who are closest to the problems know what their students need, so their decisions concerning use of the funds are accepted without question.[11]
- An **ILLINOIS** official told our interviewer that each regional supervisor was able to evaluate project applications based on his personal knowledge of the district and its past programs. In some cases this judgment is based on one or two visits a year to the local school district.[12] In some States, officials rarely approve a project application without some changes. However, States have approved projects without sufficient information to determine whether the program will meet the goals of Title I. The Director of HEW Audit Agency reported to the Office of Education that:

> "In five states we noted that the [State Agency] had approved projects and advanced funds to [local districts] for projects that had not been submitted in substantially approvable form or the project data lacked pertinent information needed for determining that project objectives met the requirements of the Act." [13]

Audit of Projects

Our State interviews and the HEW audit reports clearly indicate that many States have failed to carry out their fiscal responsi-

bilities for the Title I program. The Director of the HEW Audit Agency reported to the Office of Education that 14 out of 15 States audited did not have adequate accounting and fiscal procedures and that most States did not exercise sufficient control over funds disbursed to local districts. One problem common to many States is the inadequacy of the audit procedures. The HEW Audit Agency found that in 12 out of 15 States, the States had made few or no audits of local districts and that when audits had been made, the State took no action on the items questioned.[14]

- The HEW audit of **NEW YORK** State for fiscal year 1966 revealed that the State had not audited Title I projects in the three largest school systems—New York City, Buffalo, and Rochester.[15]

There is no special audit of Title I programs in some States. Districts often arrange for a local accounting firm to audit their books annually, but this auditor is not provided with specific information about Title I and the criteria for expenditure of funds, so the audit is inadequate.

- In some States, such as **MICHIGAN,** the State Department of Fiscal Management conducts audits of local systems including Title I, but the State Title I coordinator never sees the results of these audits. Any information uncovered in these audits concerning Title I violations is referred to the responsible State office only if the finance officer decides to do so. The Michigan Title I coordinator said that he "assumed" that the Fiscal Management Office handled instances in which their audits uncovered improper expenditures, but he himself knew few details about the State audit reports.[16]

In March of 1969 the HEW Audit Director reported to the Office of Education that 78 specific weaknesses in 10 areas of program management had been uncovered in State and local administration of Title I. He advised that State administration of Title I needed improvement in four specific areas:

1. better financial management to ensure that Title I funds are spent in accordance with the law;
2. clearer understanding of the allowability of administrative and overhead costs for Title I program purposes;

3. more effective procedures for controlling and reviewing "the substantive aspects of proposed local projects to insure that the objectives of the law . . . are met";
4. more effective auditing by States of local projects.[17]

Furthermore, the problems brought to light by these audits had not always been remedied by State authorities. "Additional audits of the Title I program in 20 States now in process," reported the HEW Audit Agency, "indicated that the basic problems discussed in this report still exist and have not yet been fully resolved." [18]

- Apparently HEW audits have had relatively little impact on the administration of Title I in some States. For example, the second audit of **ILLINOIS** noted:

"Action taken by the State agency to implement the recommendations and resolve the questioned costs in our prior audit . . . has been untimely and ineffective. As a result many of the illegal and improper practices and procedures discussed in our prior report were continued during the current audit period are presented in this report as repeat findings." [19]

In the second audit of **COLORADO,** HEW auditors wrote:

"In our previous audit of the Title I program, we discussed weaknesses in the administrative areas . . . State Agency officials concurred in our recommendations . . . [but] adequate corrective action has not been taken and these areas are discussed again. . . ." [20]

- In December of 1968 the HEW Audit Agency completed the second audit of **CALIFORNIA'S** administration of Title I. In reviewing the status of its prior recommendations, the report commented:

"Although the State was responsive to the need for improvement in administering the Title I program, our current review in other school districts in the State disclosed that the same problems continued to exist." [21]

Why do these problems in the administration of Title I persist despite the recommendations of the Federal auditors and the acknowledgment of the State? A large part of the answer lies in the fact that State departments of education are not yet equipped

to administer a large program of aid to local school districts. Even a State such as California, with a better than average record in administering Title I, finds difficulty in attempting to meet all of its obligations under Title I on a limited administrative budget. California's Title I office responded to the Federal audit:

> "The Office of Compensatory Education must service 800-900 projects in individual school districts . . . in each fiscal year . . . Resources have primarily . . . been devoted to the development and approval of projects that are in accord with law . . . School districts will continue to require substantial assistance in meeting all of these primary obligations . . . Existing staff must continue to devote their major efforts to insuring that only eligible projects are approved." [22]

Federal Administration

Since Title I began the HEW Audit Agency has conducted audits of programs in 24 States and the District of Columbia. The audit reports cover, for the most part, the early years of Title I, but some audits cover more recent years. The HEW Audit Agency sends its audits to the Office of Education which has the responsibility for acting on the auditors' recommendations. The audit reports have brought to light numerous violations of the law and have recommended that millions of dollars be recovered by the Federal government. Yet in only three cases has the Office of Education sought and received restitution of funds illegally spent.

Massachusetts returned $692 which has been spent on staff salaries prior to approval of the local district's project. Wisconsin has returned $43,653 which represented salaries charged to Title I in Milwaukee when only a portion of staff time was spent on Title I activities. Two Federal audits of Chicago, in which auditors recommended that the Office of Education seek recovery of approximately $1.2 million, are still being negotiated by State, local and Federal officials. The Office of Education, however, did ask for and received $249,642 from Chicago which represented interest earned on Title I funds deposited in the school system's bank account. With these exceptions there has been no Federal action against State and local districts which have used Title I funds contrary to the law and Regulations.[23] In seven other states, there has been a final determination of an audit by the Office of Education but none of these involved any financial restitution.

Even in the most flagrant cases of unlawful use of the money—the two swimming pools in Louisiana for example—the Office of Education has failed to act. When the Office of Education has recognized the existence of widespread violation of the law, the Commissioner of Education has responded to it by sending a memorandum to the State school superintendents calling upon them to see that local districts take corrective action. The States normally circulate the Federal memorandum to local officials with this typical comment:

> "It is expected that you will take appropriate action to see that your Title I program is planned and operated in keeping with the information contained in the guide." [24]

The circulation of Federal memorandum reiterating the Regulations has not served to correct the abuses. Federal administration of Title I has been characterized more by exchange of paper with the States than by firm action. The Office of Education does not conduct regular program reviews of Title I in States or local districts. Only in Mississippi has a program review been conducted, and it is still not known whether this practice will be extended to other States.

The Office of Education and Mississippi

In response to numerous and persistent complaints from black citizens of Mississippi, the Office of Education conducted a program review in July and August of 1969 of Title I in 20 local school districts and reviewed the State's administration of the program. The results of that program review have not yet been made public, and negotiations are going on between the State and Federal government with respect to the operation of Title I in Mississippi. However, in a letter of July 9, 1969, Commissioner James E. Allen informed State Superintendent Garvin Johnston that as a result of the program review, the Office of Education had reached "preliminary conclusions" concerning Title I operations.[25]

The Office of Education found that Mississippi had not enforced Federal policies with respect to Title I projects applications, that it was not helping local districts develop projects which would meet the needs of educationally disadvantaged children, and

that the State was not providing sufficient monitoring of Title I programs. In its review of local district Title I projects, the Office of Education found:

1. supplanting of State and local funds;
2. excessive expenditures of capital outlay (i.e. construction and equipment);
3. use of Title I funds to maintain segregation;
4. use of funds in non-target schools;
5. use of funds as general aid.

On the basis of these conclusions, Commissioner Allen instructed the State Superintendent of Schools on July 9 not to approve any Title I projects for fiscal year 1970 until certain remedial action had been taken. As school opening approached, that order was amended and Mississippi was instructed to approve only those projects in such critical areas as "health, nutrition, instruction and welfare." A Federal freeze has been put on any projects from Mississippi districts for expenditure of Title I funds on construction, equipment and supplies, cultural enrichment projects, or the provision of custodial services. [26]

As a result of this Federal action, State Superintendent Johnston called all Mississippi superintendents together on July 30 to announce "new" policies for the administration of Title I programs. Dr. Johnston told the Superintendents that these "new" policies would mean "radical changes" for some districts. [27]

The "new" policies announced by the State required that:

1. school districts have a functioning advisory committee;
2. school districts establish complaint procedures;
3. Title I funds be used to supplement rather than supplant State and local funds;
4. Title I applications show that the needs of eligible children had been assessed;
5. the State Department review proposals for construction and the purchase of equipment;
6. school districts make Title I information available to the public;
7. Title I services follow eligible children to non-target schools.

The most potentially significant Federal requirement is that local districts achieve comparable services, facilities and expenditures in the target and non-target schools. State Superintendent Johnston has taken the position that this should be accomplished by September, 1971. On the other hand, Commissioner Allen has strongly urged that comparability be accomplished in Mississippi one year earlier, in September, 1970, and that intermediate steps be taken at once. This requirement is one of the issues involved in the current negotiations between the Office of Education and Mississippi.

There are several lessons to be learned from the series of events surrounding the Office of Education's involvement in Mississippi. First, the action taken thus far by the Commissioner of Education illustrates what can be accomplished by positive Federal leadership and enforcement. Past evidence indicates that if the Commissioner of Education had not taken action to halt the approval of 1969-70 projects, the State would not have acted by calling a meeting of local superintendents and issuing "new" State policies for Title I. Indeed if the Federal government had not acted, misuse of Title I money would have continued unabated for the State had given no indication that it would implement Title I policies most of which were announced almost four years ago when Title I money began to flow to local school districts.

Second, the comparability requirement could become a major Federal tool in forcing school systems to eliminate disparities between schools attended by poor children and those attended by more affluent children. This could have a major impact in Mississippi as well as other States.

Third, the fact that the Office of Education did not act until there was overwhelming evidence of illegal practices from private sources, as well as a law suit, indicates clearly that there are no regular, on-going Federal procedures for ensuring that Title I is meeting the goal set by Congress. The question remains whether the Office of Education is prepared to institute regular program reviews of Title I in all other States.

Fourth, the Office of Education has asked Mississippi to provide "regular reports" on the steps it will take to improve the administration of Title I. What the Office of Education will do with these reports and whether the Commissioner is prepared to determine whether Mississippi is actually implementing its "new"

policies remains to be seen. Will the Commissioner permit Mississippi school officials to violate Title I requirements until 1971, or will he insist that steps be taken now to achieve comparable resources and facilities in the schools of Mississippi?

The answers to these questions will provide some indication as to whether the Office of Education intends to enforce the law in the interests of educationally disadvantaged children, or whether it will continue its present course of timid administration and implementation of Title I.

SUMMARY AND CONCLUSIONS

This is not a comprehensive report on Title I. We did not have to probe deeply to uncover violations of the law, Regulations and Program Criteria of Title I, or to learn that many Title I programs are poorly planned and executed. Many of the misuses of Title I funds are so gross that even non-experts can readily spot them. We hope that private organizations and/or public agencies will probe more deeply in attempts to correct the abuses pointed out here and others that we have not touched upon.

One of the major criticisms of some OEO Community Action Programs is that community people do not have the expertise to administer programs, particularly those involving the management of substantial amounts of money. The evidence is clear that there is a great deal of mismanagement connected with Title I, which is supervised by education experts. It might be worthwhile for someone to compare the administration of a Community Action Program and a Title I program in the same community.

In this report we have tried to spell out Title I requirements and match them against what is actually happening in many districts. We found that although Title I is not general aid to education but categorical aid for children from poor families who have educational handicaps, funds appropriated under the Act are being used for general school purposes; to initiate system-wide programs; to buy books and supplies for all school children in the system; to pay general overhead and operating expenses; to meet new teacher contracts which call for higher salaries; to purchase all-purpose school facilities; and to equip superintendents' offices with paneling, wall-to-wall carpeting and color televisions.

Though Title I funds are supplemental to regular money, there are numerous cases where regular classroom teachers, teacher aides, librarians, and janitors are paid solely from Title I funds. New school construction and equipment, mobile classrooms, and regular classroom construction and equipment are common costs charged to local Title I budgets which should be paid for out of regular school budgets.

Title I funds are not to supplant other Federal program funds. But the extent to which Title I funds have been used to feed educationally deprived children, to purchase library facilities and books, to provide vocational education for disadvantaged students, raises serious questions as to whether Title I funds are being used to supplant National School Lunch, Child Nutrition Act, Title II ESEA and Vocational Education Act funds.

Title I funds are not for the benefit of non-poverty children, yet teaching personnel, equipment, supplies, and materials purchased with this money are found in some of the most affluent schools where not a single educationally disadvantaged child is enrolled.

And Title I funds are not to equalize racially segregated schools. Yet many Southern school systems which have steadfastly refused to comply with the Constitutional mandate to desegregate use Title I funds to make black schools equal to their white counterparts. These funds are sometimes used to actually frustrate desegregation by providing black children benefits such as free food, medical care, shoes and clothes that are available to them only so long as they remain in an all-black school.

Community involvement in developing plans to utilize Title I funds to raise the level of educationally deprived children is nonexistent in many school systems, although the Federal policies require community participation. Lack of community involvement is undoubtedly one of the reasons why so much misuse of these funds goes practically unnoticed by the public.

We believe that Title I can work if properly funded and administered. By pointing out some of the misuses of Title I funds, we hope this report will provoke private organizations, community people, and Federal, State and local officials to commit themselves to fulfilling a long-needed promise to our Nation's poor children.

FOOTNOTES

INTRODUCTION

1. See Appendix A, p. 66.
2. *Taylor* v. *Coahoma Co. School District,* Civ. No. C.A. DC698-S (N.D. Miss., filed Feb 21, 1969).
3. *Migrant Education*—Title I provided $45,556,074 for migrant education in fiscal 1969 which was allocated to States on the basis of the estimated number of migratory children residing full or part time in that State. The problem with this formula is that neither the States nor the Federal government has any reliable estimates of the number of migrant children. The current estimates are based on the Department of Labor's Farm Services Bureau count of migrant farm workers in each State. This count underestimates the actual number of migrant workers since not all workers are registered with the Farm Services Bureau. Nine States—Ariz., Calif., Fla., Mich., N.J., N.Y., Ore., Tex., and Wash.—receive the bulk of this money.

   Each State department of education must submit a State plan to OE which outlines where the migrant children are located, and how the money will be spent. There are no special Program Criteria for migrant education programs which set priorities or guide the States in spending the money. Migrant programs may be operated directly by the States, by local school systems, or private non-profit organizations.

   Indian Education—The Department of Interior received $9 million of Title I funds in 1969 fiscal year for educationally deprived Indian children attending schools operated by the Bureau of Indian Affairs. The $9 million is but a small portion of the total BIA education budget of $62 million. The sum of $126 per student is distributed for approximately 55,799 Indian children in boarding and day schools. In fiscal year 1968, Title I funded 45 proposals for enrichment projects; 37 for teachers aides; 28 for guidance; 21 for remedial reading; 13 for recreation; and 11 for English as a Second Language program. Indian children attending regular public schools may also receive Title I benefits, but there is no cooperation between OE and BIA to determine how to use Title I to meet the needs of Indian children.

CHAPTER I

1. HEW, *Statistical Report Fiscal Year 1967,* 11, 27.

2. *Hearings on Extension of ESEA before the House Committee on Education and Labor.* (Part 4) 91st Congress, 1st Session. Prepared Statement by Hon. Robert H. Finch, Sec., HEW, 2912 (Mar. 10, 1969) [hereinafter referred to as *House Hearings*]. Educationally disadvantaged children were defined in the study as all those children whom the teacher felt would not complete high school.
3. National Advisory Council on the Education of Disadvantaged Children, *Title I—ESEA: A Review and a Forward Look*, Fourth Annual Report—1969, 13 (1969) [hereinafter referred to as *Title I Advisory Council 1969 Report*].

CHAPTER II

1. See Appendix A, p. 66.
2. Interview with S.C. officials. Interview with OE staff.
3. HEW Audit Agency, *Georgia State Department of Education Audit of Title I of the Elementary and Secondary Education Act of 1965, September 23, 1965—June 30, 1967*, 6-8 [hereinafter referred to as *Ga. Audit*].
4. Interviews in Bibb County, Ga.
5. Interviews in Oxford Mun. Sep. School District, Miss.
6. Interviews in Greene County, Ala., Sumter County, Ala., New Albany, Miss., Quitman County, Miss., Pontotoc County, Miss.
7. HEW Audit Agency, *Report on Audit of Title I of the Elementary and Secondary Education Act of 1965, Wisconsin State Department of Public Instruction, Madison, Wisconsin, September 1, 1966 to August 31, 1967*, 16 (Nov. 22, 1968) [hereinafter referred to as *Wis. Audit* 2].
8. HEW Audit Agency, *Audit of Title I Elementary and Secondary Education Act of 1965, Mississippi State Department of Education, Jackson, Mississippi, Sept. 30, 1965—June 30, 1967*, 16 (Undated) [hereinafter referred to as *Miss Audit*].
9. Letter from Leslie Crumble, Jr., Asst. Supt. of Schools to Mr. Mont Davie, Regional Supervisor, Ill. State Department of Education, Feb. 20, 1969.
10. Waukegan City Schools, *Application for Federal Assistance (1967-68)*, Item 13 attachments (Aug. 1967).
11. HEW Audit Agency, *Report on Review of Programs and Projects under Title I of the Elementary and Secondary Education Act of 1965, District of Columbia, Fiscal Years 1966 and 1967*, 30-31 (July 1969) [hereinafter referred to as *D. C. Audit*].
12. Interviews in Benton County, Miss.; Benton County, Miss., *Title I Project Application (1968-69) Attachments.*
13. Division of Compensatory Education, Calif. State Department of Education, *Status Report on Oakland City Unified School District's ESEA, Title I Project* (Draft), 9-22 (May 1969).
14. *Ibid.*
15. HEW Audit Agency, *Title I ESEA State of Indiana, State Office of Public Instruction, Period Sept. 23, 1965 to Aug. 31, 1967*, 15, 16 (Undated) [hereinafter referred to as *Ind. Audit*].
16. HEW Audit Agency, *Tennessee State Department of Education Audit of Elementary and Secondary Education Act—Title I, Sept. 23, 1965—Aug. 31, 1966*, 4, 5 (Apr. 1969) [hereinafter referred to as *Tenn. Audit*].
17. *Id.* at 5.
18. HEW Audit Agency, *Report of Audit, Title I of the Elementary and Secondary Education Act of 1965 Administered by the State of Cali-*

fornia for the Period Sept. 23, 1969—Aug. 31, 1968, 7 (Dec. 23, 1968) [hereinafter referred to as *Calif. Audit*].

19. HEW Audit Agency, *State of Louisiana Elementary and Secondary Education Act Title I and Title II, Sept. 30, 1965—Aug. 31, 1966*, 10, 11 (Oct. 27, 1979) [hereinafter referred to as *La. Audit*].
20. *D. C. Audit*, 14.
21. *Calif. Audit*, 31-32.
22. *Ibid.*
23. See Appendix A, p. 67.
24. HEW Audit Agency, *Title I of the Elementary and Secondary Education Act of 1965, The State of Illinois and the Chicago Board of Education, Period: Sept. 23, 1965 to Aug. 31, 1966*, 32 (Undated) [hereinafter referred to as *Ill. Audit 1*].
25. HEW Audit Agency, *Report on Audit of the Elementary and Secondary Education Act Title I Administered by State of Pennsylvania, July 1, 1966—August 31, 1967*, 16, 17 (Undated) [hereinafter referred to as *Pa. Audit*].
26. Interviews in Oxford, Miss.
27. *Title I Advisory Council 1969 Report*, 14.
28. Mosbaek et. al. *Analysis of Compensatory Education in Five School Districts Summary*, 3 (Undated).
29. See Appendix A, p. 68-69.
30. Supplemental Policies for ESEA Title I Projects Adopted by the Calif. State Board of Education Feb. 14, 1969 in *House Hearings*, 2523.
31. *Id.* at 2525.
32. U. S. Commission on Civil Rights, *Southern School Desegregation* 1966-67, 82 (July, 1967).
33. Interviews in Bibb, Telfair and Worth Counties, Ga. and in Greene County, Ala.
34. *Supra note* 13, at 25.
35. *Ind. Audit*, 25.
36. HEW Audit Agency, *South Carolina Department of Education Audit of Title I of the Elementary and Secondary Education Act of 1965, July 1, 1965—June 30, 1967*, 6 (April 16, 1968) [hereinafter referred to as *S.C. Audit*].
37. *La. Audit*, 3.
38. HEW Audit Agency, *Report on Audit of Elementary and Secondary Education Act, Title I, State of New Jersey, Sept. 23, 1965—Aug. 31, 1967*, 11-12 (Undated) [hereinafter referred to as *N.J. Audit*].
39. *Calif. Audit.*
40. *Ill. Audit 2.*
41. HEW Audit Agency, *Alabama State Department of Education Audit of Title I of the Elementary and Secondary Education Act of 1965, Sept. 27, 1965—June 30, 1968*, 4 (Undated) [hereinafter referred to as *Ala. Audit*].

CHAPTER III

1. See Appendix A, p. 67.
2. S.C. State Dept. of Ed., *Helping the Deprived Child Climb*, 8 (Undated).
3. Information taken from the desegregation plan prepared for Sumter Co. by the Division of Equal Educational Opportunity (D.E.E.O.) Office of Education pursuant to *Whittenburg* v. *Greenville Co. C/A*

4396 (1969), 2-8; and, Sumter County's Application for Federal Assistance for the Education of Children from Low-Income Families, (May 6, 1969).

4. *Id.* for Hampton County, 1-4; and *Id.*, (May 22, 1967).
5. *Id.* for Bamberg County #2, 3-5; and *Id.*, (Mar. 31, 1966).
6. Interview with S.C. official.
7. Miss. School Statistics prepared by OE.
8. *Hopson* v. *Quitman County Bd. of Ed.*, Testimony of Superintendent Cecil Oliver Sharp, Dec. 18, 1968.
9. J. Alan Thomas, *School Finance and Educational Opportunity in Michigan*, 19-27 (1968).
10. *Pa. Audit*, 39.
11. *Ill. Audit*, 28-30. Chicago Daily *News*, June 30, 1969. The story cited a report on Chicago's Title I program by a State official. The facts contained in the news story were subsequently verified in an interview with the State official.
12. *Wisc. Audit 1*, 38.
13. HEW Audit Agency, *Title I of the Elementary and Secondary Education Act of 1965 State of Michigan and the Detroit Board of Education Fiscal Year 1966 Program, Period: Sept. 23, 1965 to Mar. 31, 1967*, 38-39 (Undated) [hereinafter referred to as *Mich. Audit*].
14. HEW Audit Agency, *Title I of the Elementary and Secondary Education Act of 1965, State of Ohio: Period: Sept. 23, 1965 to Aug. 31, 1968*, 54 (June 13, 1969) [hereinafter referred to as *Ohio Audit*].
15. *Id.* at 50, 52.
16. HEW Audit Agency, *Report on Audit of Title I of the Elementary and Secondary Education Act of 1965 Administered by Office of Public Instruction, State of Illinois, Springfield, Illinois, Period: Project Grants 9-23-65 to 8-31-67, Administrative Expenses 9-23-65 to 6-30-68, 41-42* (June 13, 1969) [hereinafter referred to as *Ill. Audit 2*].
17. *Calif. Audit*, 37.
18. *Mich. Audit*, 17-18.
19. The sponsor of the special appropriations was Congressman Carl Perkins of Kentucky.
20. Fiscal year 1969 data on Title I expenditures is not yet available from the Office of Education.

CHAPTER IV

1. See Appendix A, p. 67-68.
2. OE Program Guide No. 47B, Nov. 20, 1968.
3. *Title I Advisory Council 1969 Report*, A-3.
4. Statistics supplied by OE.
5. *Ibid.*
6. *Mich. Audit*, 13.
7. *Supra* Chapter 2, *note* 32.
8. Interview with HEW Personnel, Aug. 25, 1969.
9. *Tenn. Audit*, 10, 11.
10. *Ill. Audit 2*, 30-32.
11. *Id.* at 64.
12. *La. Audit*, 9.
13. *Wisc. Audit 2*, 17.
14. *Ala. Audit*, 6.

15. Interviews in Oxford, Miss. Mun. Sep. School District.
16. *Tenn Audit*, 7-9.
17. *Id. at* 19-20.
18. Interview in South Panola, Miss.
19. *Report of the National Advisory Council on the Education of Disadvantaged Children*, 30, (Nov. 25, 1966).
20. Interviews in Worth County, Ga.
21. Interviews in New Albany, Miss.

CHAPTER V

1. See Appendix A, p. 70.
2. *D.C. Audit*, 19-22.
3. *Id.* 24-26.
4. Buena Vista #9 School District, *Attachments to Application for Federal Assistance 1968-69.*
5. School District of the City of Benton Harbor, *Application for Federal Assistance 1966-67.*
6. Bakersfield City School District, *Application for Federal Assistance to Meet the Special Educational Needs of Educationally Deprived Children 1968-69.*
7. Office for Civil Rights, Department of Health, Education, and Welfare, *Summary of Title VI Findings Bakersfield City Elementary School District*, 1, 5 (Undated).
8. Oakland Unified School District, *Application for Federal Assistance Appendix K & L*, 185-186; Letter from Electra Price, American Friends Service Committee to Jean Fairfax, NAACP Legal Defense and Educational Fund, Inc., March 1, 1968.
9. Benton County, Mississippi *Amendment Request ESEA Title I Attachments* (May 13, 1969).
10. HEW Audit Agency, *Report on Review of Grants Awarded to the Commonwealth of Massachusetts Under Title I Elementary and Secondary Education Act of 1965*, 16 (January 1969 [hereinafter referred to as *Mass. Audit*]
11. *Id.* at 18-20.
12. *Tenn. Audit*, 9-10.
13. *La. Audit*, 18.
14. Letter from Gil De La Rosa to Phyllis McClure, July 31, 1969. Mexican-American leaders have told us that the use of welfare statistics upon which allocations to districts are made is responsible for declining funds in predominantly Mexican-American school districts. They feel that Mexican-Americans are not on the welfare rolls in proportion to their numbers in the population because they tend to work in the fields rather than apply for welfare.
15. Interviews in Darlington County, S.C.
16. Interviews in Worth County, Ga.
17. *Ohio Audit*, 54-56.

CHAPTER VI

1. See Appendix A, p. 70.
2. National Advisory Council on the Education of Disadvantaged Children, *Report of the National Advisory Council on the Education of Disadvantaged Children*, 22 (Jan. 31, 1968).
3. Memorandum from Dorchester County (S.C.) Voters League to the Superintendents of Dorchester County school districts #1, #2, #3, (Aug. 24, 1969).

4. Interview in Albuquerque, N.M.
5. Interview in Aberdeen, Miss.
6. Interviews in Oxford, Miss.
7. Interviews in Tucson, Ariz.
8. *Ohio Audit*, 15.
9. Interviews in Phoenix-South Holland, Ill.
10. Interviews in Sumter County, Ala.
11. Information supplied by Rims Barber, Delta Ministry.
12. David Rogers, *110 Livingston Street*, 453. (1968).
13. *Id.* 460.
14. Interviews in Anderson #5, S.C.; Autauga and Greene Counties, Ala.; Telfair County, Ga.
15. Interviews in Waukegan, Ill.
16. Interviews in Tucson, Ariz.
17. Interviews in Oxford, Miss.
18. Interviews in Bakersfield, Calif.
19. Interviews in Albuquerque, N.M.

CHAPTER VII

1. Council of Chief State School Officers, *State and Local Responsibilities for Education: A Position Statement* (1968).
2. *Ibid.*
3. HEW Audit Agency, *Report on Audit of Selected Programs Administered by the New York State Education Department, July 1, 1964-June 30, 1966*, 17 (Undated) [hereinafter referred to as *N.Y. Audit*].
4. HEW Audit Agency, *Elementary and Secondary Education Act of 1965 Titles I, II, and V Administered by State of Kansas, September 23, 1965 to June 30, 1966*, 7 (Jan. 12, 1968).
5. *Ill. Audit* 2, 33.
6. *Supra note* 1.
7. HEW Audit Agency, *Report on Problem Areas noted During Audits of State and Local Educational Agencies Title I Elementary and Secondary Education Act of 1965*, Mar. 21, 1969.
8. *Ind. Audit*, 8.
9. *Ill. Audit* 1, 32.
10. Letter to Mr. Jack Conort, Branch Manager, HEW Division of Audit from Mr. Jack Nix, State Superintendent of Schools, Ga., May 1, 1968.
11. Interview with S.C. officials.
12. Interview with Ill. officials.
13. *Supra note* 7 at 11.
14. *Id.* at 3, 15.
15. *N.Y. Audit*, 6, 13.
16. Interview with Mich. officials.
17. Letter, Mar. 21, 1969, transmitting report, *Supra note* 7.
18. *Ibid.*
19. *Ill. Audit* 2, 89.
20. HEW Audit Agency, *Report on Audit of Title I of the Elementary and Secondary Education Act of 1965, Administered by State of Colorado, for the Period July 1, 1966 to August 31, 1967*, 4 (June 24, 1969).
21. *Calif. Audit*, 6.
22. *Id.* at 72.
23. Interviews with OE personnel (Oct. 20, 1969).

24. William H. Moore, Associate Commissioner for Federal Programs (Ark.) to All Title I Claimants, Field Operations Memo No. 69-37. Misuse of Title I Funds, (Aug. 28, 1968).
25. Letter from Commissioner James E. Allen to Mississippi State Superintendent Garvin Johnston, July 9, 1969.
26. *Ibid.*
27. *Jackson Daily News,* July 30, 1969.

APPENDIX A

Appendix A contains excerpts from the law, the Federal Regulations and the Criteria governing Title I of the Elementary and Secondary Education Act of 1965 (P.L. 89-10). The excerpts are organized by topic. Copies of the Regulations and Program Guides may be obtained by writing to the Division of Compensatory Education, Bureau of Elementary and Secondary Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, or to your State Department of Education.

NATIONAL POLICY

"In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expend and improve their educational programs by various means (including pre-school programs) which contribute particularly to meeting special educational needs of educationally deprived children."

(The Elementary and Secondary Education Act of 1965 P.L. 89-10)

DEFINITION OF THE TERM "EDUCATIONALLY DEPRIVED CHILDREN"

" 'Educationally deprived children' means those children who have need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age. The term includes children who are handicapped or whose needs for such special educational assistance result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large." (45 C.F.R. § 116.1(i))

TITLE I MUST NOT BE USED AS GENERAL AID

"Each such project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." (45 C.F.R. § 116.17(g))

"Title I resources should be concentrated on those children who are most in need of special assistance. Normally this process will involve determinations of both the needs of individual groups of children and

of the possibilities for success in working with those groups. Decisions should be made in terms of the effectiveness of providing comprehensive services to a limited number of children in a few groups as opposed to the ineffectiveness of spreading diluted services over all eligible children in all groups. Consideration must also be given to the availability of assistance from other agencies and programs for specific groups of children." (Program Guide # 44, Sec. 4.2)

NATURE AND SIZE OF TARGET AREA AND POPULATION TO BE SERVED

". . . A project area may include one or more attendance areas having high concentrations of children from low-income families, but the project area must be sufficiently restricted in size in relation to the nature of the project as to avoid jeopardizing its effectiveness in meeting the aims and objectives of the project. . . ." (45 C.F.R. § 116.17(c))

"A school attendance area for either an . . . elementary or a . . . secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district . . . In certain cases, the whole of a school district may be regarded as an area having a high concentration of such children and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the several school attendance areas in the school district." (45 C.F.R. § 116.17(d))

". . . The purpose of the attendance area requirement is to identify the 'target populations' of children who are to be considered for participation in Title I activities on the basis of educational deficiency and need for special services. . . ." (Program Guide #44, Sec. 1.1)

SUPPLANTING STATE AND LOCAL FUNDS

"Each application . . . shall contain an assurance that the use of the grant funds will not result in a decrease in the use for educationally deprived children residing in that project area of State or local funds which in the absence of funds under Title I of the Act, would be made available for that project area and that neither the project area nor the educationally deprived children residing therein will otherwise be penalized in the application of State and local funds because of such a use of funds under Title I. . . . No project under Title I of the Act will be deemed to have been designed to meet the special educational needs of educationally deprived children unless the funds made available for that project are to be used to supplement, and not supplant, State or local funds." (45 C.F.R. § 116.17(h))

". . . It is expected that services provided within the district with State and local funds will be made available to all attendance areas to all children without discrimination. The instructional and ancillary services provided with State and local funds for children in the non-project areas, particularly with respect to class size, special services, and the number and variety of personnel . . . This means that services that are already available or will be made available for children in the non-project areas should be provided on an equal basis in the project areas with State and local funds rather than with Title I funds . . . [A]s services initiated in the project areas under Title I are extended to children residing in non-project areas, the applicant will assume full support of those services under its regular school budget. This will release Title I funds to provide new activities for eligible children." (Program Guide #44, Sec. 7.1)

CONSTRUCTION AND EQUIPMENT

"No application for a project grant under Title I . . . may cover the construction of school facilities unless such construction is demonstrated as being essential in order to assure the success of a program or project under Title I . . . If the construction of school facilities is so demon-

strated as being essential for a program or project, the application must nevertheless comply with other requirements of Title I. . . ." (45 C.F.R. § 116.17(i))

". . . Rental or construction of school facilities [including portable units] not specifically related to a Title I project activity should not be allowed except in unusual situations where (a) such construction is necessary in order to bring children together at locations where they can be served effectively under Title I and (b) the local educational agency is unable to provide such facilities with its own funds. The construction of permanent new facilities should be regarded as a local responsibility except in extreme cases of financial need." (Program Guide #44, Sec. 5.7)

"The State educational agency shall not approve a project involving the construction of school facilities unless it determines that the construction is consistent with overall State plans for construction. It shall not approve such a project involving construction, other than minor remodeling, altering or improving of school facilities, unless the approval is conditioned upon approval of the construction plans and specifications by State educational agency, and further conditioned upon the award of a construction contract on or before a date specified in the project application." (45 C.F.R. § 116.21(c))

"The State educational agency shall not approve a project involving construction of school facilities if it finds that such construction would lead to, or would tend to maintain, the cultural or linguistic isolation of children. . . ." (45 C.F.R. § 116.21(f))

"Title I funds will be used for construction only when necessary to implement projects designed to meet the highest priority needs of educationally deprived children in the applicant's district. . . ." (Program Guide #44, Sec. 5.7)

". . . All requests for the approval of funds for the purchase of . . . equipment must be fully justified. This means that the application must show that (a) equipment has been selected and designated for specific purposes in connection with proposed project activities, (b) the proposed equipment is essential to the effective implementation of the project, (c) such equipment is not available in the applicant's regular or Title I inventories for use in the project, and (d) the applicant has the trained staff to utilize the proposed new equipment effectively or that arrangements will be made to prepare staff for such use. The State educational agency will review existing Title I inventories and insure that equipment already purchased with Title I funds is being effectively used for Title I purposes. Equipment that is no longer appropriate for use in Title I projects should be sold or transferred to the applicant's regular inventory and the appropriate amounts refunded to the Federal Government." (Program Guide #44, Sec. 5.6)

". . . The budget for a project shall avoid imprudent, extravagant or wasteful expenditures which would tend to defeat the intent of the Act to meet the special educational needs of educationally deprived children. . . ." (45 C.F.R. § 116.18(a))

CONCENTRATION OF SERVICES

". . . Title I resources should be concentrated on those children who are most in need of special assistance. . . ." (Program Guide #44, Sec. 4.2)

"Application for grants . . . are to be concentrated on a limited number of educationally deprived children so as to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior or attitudes of children." (45 C.F.R. § 116.18(e))

"The applicant should make sure that the needs of children in eligible

areas with the highest incidence of poverty have been met before considering the needs of children in eligible areas in which the incidence is much lower. The program in the areas with the highest incidence should be designed to serve a large proportion of children and to provide them with a greater variety of services than programs in areas with lesser incidences of poverty." (Program Guide #44, Sec. 4.6)

". . . The proposed Title I expenditure per child is an indication of the concentration of effort, as indicated by investment per child, the greater likelihood that the program will have a significant impact on the children in the program. The investment per child on an annual basis for a program of compensatory educational services which supplement the child's regular school activities should be expected to equal about one-half the expenditure per child from State and local funds for the applicant's regular school program. The investment per child per year for a program such as a pre-school program which provides all of the services for the child involved should be expected to equal the applicant's full expenditure per pupil from State and local funds." (Program Guide #44, Sec. 4.7)

TITLE I AND DESEGREGATION

". . . All Title I program activities must be designed for educationally deprived children who live in eligible attendance areas but should be offered at locations where those children can best be served. Any proposed Title I activities [including the construction of school facilities] which, because of the location or for other reasons, would in effect prolong the racial, social, or linguistic isolation of the children to be served would be self-defeating and should not be approved. Applicants for Title I funds should design effective compensatory education programs which include, where appropriate, measures for fostering integration in the community.

"In some cases, the locations where the children can best be served will be outside the project area. The application should indicate clearly the locations both inside and outside the project areas where Title I services will be offered and the number of children from inside and outside the project areas who will participate at each such location.

"No child who lives in a project area and who would otherwise receive Title I services is to be denied such services because of his exercise of a right to enroll in another school. Children residing outside the project areas who can benefit from the services may participate on a space-available basis." (Program Guide #44, Sec. 5.5)

TITLE I ADVISORY COMMITTEES

"Each local educational agency shall provide for the maximum practical involvement of parents of educationally deprived children . . . including their representation on advisory committees which may be established for the local Title I program." (45 C.F.R. § 116.18(f))

". . . [E]ach Title I applicant must have an appropriate organizational arrangement . . . [L]ocal advisory committees will need to be established for the planning, operation, and appraisal of a comprehensive educational program." (Program Guide #44)

"It is suggested that at least 50% of the membership of the committee consist of parents of disadvantaged children attending schools serving in the area where projects will be conducted, representatives of the poor from the Community Action Agency and parent members of the Head Start advisory committee, if there is a Head Start project in the community, and representatives of other neighborhood-based organizations which have a particular interest in the compensatory educational program." (Program Guide #46, Sec. IA)

PARENT AND COMMUNITY INVOLVEMENT

"It is essential that public and private school teachers and other staff members, parents, and representatives of related programs and agencies be involved in the early stages of program planning and in discussions concerning the needs of children in the various eligible attendance areas. They are often able to corroborate or offer insights concerning the evidence of educational deficiencies. They will be much more likely to lend support to a program of special educational services if, as a result of their involvement, they understand the premises on which such a program is based.

"Officials of community action, welfare, juvenile protection, and other agencies which have responsibilities for helping people—children or adults—overcome the effects of poverty are among those to be consulted concerning their views on the needs of the children in eligible attendance areas. . . ." (Program Guide #44, Sec. 2.1)

"The applicant should demonstrate that adequate provision has been made in the Title I program for the participation of and special services for the parents of children involved in the programs. The employment of parents in the Title I projects is but one way to implement this provision. The primary goal of such activities and services should be to build the capabilities of the parents to work with the school in a way which supports their children's well-being, growth, and development." (Program Guide #44, Sec. 5.3)

ASSESSMENT OF NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

"The project . . . should be designed to meet the special educational needs of those educationally deprived children who have the greatest need for assistance. . . ." (45 C.F.R. § 116.17(f))

". . . Each local educational agency shall design its projects in such a manner, and apply them to such school attendance areas having high concentrations of children from low-income families, as will best meet the special educational needs of the educationally deprived children." (45 C.F.R. § 116.17(c))

"The application shows that the Title I program is based on a consideration of the relative needs of children at all ages and grade levels and is designed to meet a limited number of high priority needs which cannot be met through the regular school program or other programs. . . ." (Program Guide #44, Sec. 42)

". . . The first step in the development of a compensatory program to meet the needs of such children is to evaluate the evidence concerning the educational deficiencies of children who live in the eligible attendance areas . . . Specific attention should be given to the information available on educational retardation, results of educational tests, linguistic or racial isolation, welfare and nutrition, physical and mental handicaps, and other pertinent information on which the incidence and severity of the need of children in the project areas can be established. . . ." (Program Guide #44, Sec. 2.1)

". . . All proposals to provide health, nutrition, welfare, and recreation services under Title I should be fully justified on the basis that the resources of other agencies are not adequate to meet high priority needs for these services." (Program Guide #44, Sec. 3.1)

PUBLIC INFORMATION

"The terms and provisions of each approved project shall be made available, by the State educational agency, and by the affected local educational agency or agencies, for public inspection." (45 C.F.R. § 116.34)

". . . The requirement that the 'terms and provisions' of each project be made available covers such materials as the approved application, amend-

ments thereto, and supporting documentation, including correspondence between the State and local educational agencies concerning the project. State and local educational agencies are required under the foregoing regulation to make the information available to any citizen upon request. He must be afforded reasonable opportunity not only to examine the materials but also to copy information, including total reproduction such as xeroxing, at his own expense." (Program Guide #54)

COMPLAINTS

". . . [State] reports shall include a disclosure of any allegations of substance which may be made by local educational agencies or private individuals or organizations of actions by State or local educational agencies contrary to the provisions of Title I of the Act or the regulations in this part, a summary of the result of any investigations made or hearings held with respect to those allegations, and a statement of the disposition by the State educational agency of those allegations. It is recognized that the responsibility with respect to the resolution of such matters rests, in the first instance, in the State educational agency." (45 C.F.R. § 116.31(g))

STATE AGENCY RESPONSIBILITIES

This is *not* an inclusive listing of all the legal requirements for a State Agency administering Title I.

"The application for participation by the State in the grant program shall contain an assurance . . . that each application by a local educational agency . . . approved by the State educational agency will comply with the requirements of Title I . . . that the State educational agency will comply with the requirements of Title I of the Act . . . that the State educational agency will require each such local educational agency to carry out all assurances given by it in, and to perform all obligations imposed on it in connection with its approved applications for grants, and that the State educational agency will in all other respects comply with the requirements imposed on it by Title I of the Act . . ." (45 C.F.R. § 116.31(c))

". . . The State educational agency shall not approve such an application unless it determines that the application does effectively meet the requirements of the Act . . ." (45 C.F.R. § 116.34(a))

"Each application by a State educational agency shall contain an assurance that it will make periodic reports to the Commission evaluating the effectiveness of the programs and projects of State and local educational agencies . . ." (45 C.F.R. § 116.31(f))

"The State educational agency shall, for that agency and local educational agencies, provide for such fiscal control and fund accounting procedures as may be necessary for the proper disbursement of funds paid to the State and to local educational agencies under Title I of the Act . . ." (45 C.F.R. § 116.48(a))

APPENDIX B

School Systems in Which Interviews Were Conducted

Following is a list of school districts in which interviews were conducted for this study:

Alabama
- Autauga County
- Greene County
- Hale County
- Sumter County

Arizona
- Tucson

California
- Bakersfield
- Fresno
- Riverside

Georgia
- Bibb County
- Telfair County
- Worth County

Illinois
- Waukegan District #61
- Cook County District #151 (Phoenix-South Holland)
- Springfield

Mississippi
- Benton County
- Oxford Municipal Separate School District
- Pontotoc County
- Quitman County
- South Panola County
- Union County

North Carolina
- Guilford County

New Mexico
- Albuquerque

South Carolina
- Anderson #5
- Darlington County
- Williamsburg County

Texas
- Karnes City
- San Antonio

APPENDIX C

AUDIT REPORTS, HEW AUDIT AGENCY

State	*Period Covered*
Alabama	September 27, 1965—June 30, 1968
California	September 23, 1965—August 31, 1968
Colorado	September 23, 1965—August 31, 1966
Colorado	July 1, 1966—August 31, 1967
District of Columbia	July 1, 1966—June 30, 1967
Georgia	September 23, 1965—June 30, 1967
Illinois	September 23, 1965—August 31, 1966
Illinois	State Administration—9/65—6/68 Project Grants—9/65—8/67
Indiana	September 23, 1965—August 31, 1967
Kansas	September 23, 1965—June 30, 1966
Louisiana	September 30, 1965—August 31, 1966
Massachusetts	July 1, 1966—June 30, 1968
Michigan	September 23, 1965—March 31, 1967
Mississippi	September 30, 1965—June 30, 1967
New York	July 1, 1965—August 31, 1966
Ohio	September 23, 1965—August 31, 1968
Oklahoma	Period Ending June 30, 1966
Oklahoma	July 1, 1966—June 30, 1968
Oregon	September 23, 1965—August 31, 1967
Pennsylvania	July 11, 1966—August 31, 1967
South Carolina	July 1, 1965—June 30, 1967
Tennessee	September 23, 1965—August 31, 1966
Texas	September 24, 1965—June 30, 1966
Utah	September 23, 1965—August 31, 1967
Wisconsin	September 23, 1965—August 31, 1966
Wisconsin	September 1, 1966—August 31, 1967